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FEB - 3 1982

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

Vol. 128 WASHINGTON, TUESDAY, JANUARY 26, 1982 No. 2

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House of Representatives

The House met at 12 o'clock noon.

The Reverend John I. Kulish, of St. Michael's Ukrainian Orthodox Church, Hudson, N.Y., offered the following prayer:

Let us all pray. Eternal God, Lord of Heaven and Earth, Father and Creator of everything visible and invisible, having lifted our hearts to Heaven, we stand before Thy Majesty and give thanks for mercy and bounty which Thou hast bestowed upon us here in our great United States of America.

We humbly beseech thee to protect our President, our Government, the Armed Forces of the United States, its people, and all who defend freedom and democracy.

Bestow upon them wisdom and knowledge so that they may never abandon the way of truth and let them champion freedom and liberty of Ukraine and all captive nations in the world.

Take us under Thy protection and grant all countries a bright and glorious future. We put our trust in Thee, we glorify Thee now and ever and unto ages of ages. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a resolution of the House of the following title:

H. Con. Res. 244. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

ANNOUNCEMENT BY THE SPEAKER CONCERNING DISTURBANCE IN THE GALLERY

The SPEAKER. The visitors in the gallery will please maintain order. That is one of the rules of the House.

REV. JOHN I. KULISH

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, on behalf of the House of Representatives I am delighted to express our thanks and appreciation to Father John Kulish of St. Michael's Ukrainian Orthodox Church of Hudson, N.Y., for having offered the prayer this morning.

Father Kulish is accompanied by his wife and by his daughter, Andrea, and, as a matter of fact, during the moments before the convening of the House, Andrea had her picture painted by the majority leader of the House. It is one of the fantastic, but not often well-known, talents of the gentleman from Texas (Mr. WRIGHT).

The occasion for having Father Kulish here was today we are celebrating the anniversary of the independence of the Ukraine and the gentleman from Illinois (Mr. DERWINSKI) and I have taken a special order and we hope that other Members will join in expressing their sentiments with regard to the continuing captivity of the people of the Ukraine.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York, in whose district Father Kulish actually lives.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, it is a real pleasure to have not only a great religious leader in America present with us today, but a great American as well. It was my pleasure to be one of the principal speakers at the World Anti-Communist League of Captive Nations Week Conference in Taipei, Taiwan, last August and I would like to commend Father Kulish and his family for their continuing efforts on behalf of the Ukrainian people and all of the captive nations people who are being held captive in this world today.

It is a real pleasure to have him here. We hope he and his family enjoy their stay.

GUARANTEED STUDENT LOANS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, it has become the announced intention of the administration to remove the students who are in graduate and professional schools from eligibility under guaranteed student loans. This move, Mr. Speaker, will create havoc among graduate students who are presently in school and those who are planning to go.

It is the only program that is available to graduate students. The administration is saying these students instead will be eligible for the parent loan, which in effect would mean, Mr. Speaker, that students attending school while attending graduate school, would have to be paying over their graduate career nearly $11,000 in interest.

I can tell the Members that graduate students do not have that kind of money and in effect, Mr. Speaker, we will be eliminating thousands and thousands of our most talented people from programs that we desperately need.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TAX BREAKS TO PRIVATE SCHOOLS THAT PRACTICE RACIAL SEGREGATION

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, a few moments ago I introduced a resolution which states simply that the law with regard to denial of income tax breaks to segregated private schools is adequate to prevent those breaks at present.

Because of the puzzling actions by the administration within the past several days, a lot of people have been led to believe that new law is necessary to deny Government aid in the form of tax breaks to private schools that practice racial segregation.

But as the resolution states, that is not true. Pursuant to regulation reasonably designed to fairly determine such segregation the IRS should forthwith resume the law-abiding policy of denying such tax breaks to schools that practice racial segregation.

Mr. Speaker, the IRS is supposed to stand for Internal Revenue Service, not Institute of Racial Segregation.

As for the administration's proposed new law on the subject and the ardous process required to pass such law, it seems useful to recall one of the cardinal principles in which the President is said to believe, "If it ain't broke, don't fix it." Except for whatever damage the administration may have done to it by unfortunate announcements lately, the law against government aid to racially segregated schools "ain't broke" and should be obeyed and enforced by the administration.

NATIONAL AIRPORT—AN ACCIDENT WAITING TO HAPPEN

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, we in Congress can no longer ignore the problems at the Washington Metropolitan National Airport. Something must be done to remedy the potentially hazardous conditions that exist there. In the past a number of my colleagues have cited National's safety record as reasons for not correcting the airport's inadequacies. That safety record ended tragically January 13 when an Air Florida 737 crashed into the 14th Street Bridge killing 78 persons.

In the recent past, some of my colleagues and I have tried to suggest on a number of occasions that National is an accident looking for a place to happen. With the physical conditions that exist today, this tragedy was inevitable. For example, if the fatal flight 90 had taken off from Dulles Airport, the pilot would have had a runway double the length of the runway at National to help him make a decision as to whether or not to about the flight. At National Airport there is 6,800 feet of runway length and at Dulles the runway is 11,500 feet.

From a broader perspective, Washington Metropolitan National Airport has the shortest runway in the Nation compared to other major airports. In fact, National Airport has the shortest runway compared to the next level of airports, except for Burbank, Calif. And believe it or not, 80 percent of the third-level airports have runways longer than National's, including cities like Champaign, Ill., and Lafayette, La.

Not only is the runway short at National but the pressure caused by the burdens of heavy traffic there is unrelenting—and needless, when you consider the fact that we have a modern jet facility available at Dulles. To show you the terrible flight operations imbalance that we have today, there are 66 operations a day between the Washington metropolitan area and Chicago. One flight uses Dulles.

I call upon my colleagues to support a shifting of flights from National Airport to Dulles and Balitmore Washington International Airports. I do not want to close National, but for safety's sake, we must respond to this tragedy by insuring that never again will a pilot be faced with a combination of bad weather, short runways, and the pressure of bumper to bumper air traffic.

PRODUCTS LIABILITY ACT OF 1982

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHUMWAY. Mr. Speaker, on December 14 I introduced H.R. 5214, the Products Liability Act of 1982. Simply stated, my bill establishes a uniform system of products liability law for products manufactured and introduced into interstate commerce. Today, a product marketed in all 50 States is subject to 50 different codes of products liability law. A consumer injured by a product in one State may be entitled to compensation from the manufacturer, while existing law in another State may deny an identical consumer any compensation whatsoever for the same or similar injury caused by the same product. Although I have consistently supported efforts to allow the States to retain existing and to achieve greater authority and control over their own affairs, in this instance it is clear that uniformity is highly desirable and urgently needed.

In addition to consumers, the problems caused by lack of products liability uniformity are serious for business in general, and small business in particular. The confusion created by the existence of the many differing State laws forces insurance premiums to be calculated on the basis of the law in that State where a product's liability is the greatest. Unfortunately, some States place no limits on a given manufacturer's liability. Producers of products sold decades ago, which might have been altered or have changed hands several times, may be sued when these products cause injury. Cases are becoming more extreme, and awards more excessive, with each passing year. As a consequence, insurance premiums and the deductibles for these premiums have skyrocketed, resulting in increasingly burdensome costs for consumers and manufacturers alike.

We attempted to partially correct the problem of escalating costs with passage in the last session of the Risk Retention Act (Public Law 97-45). This law makes it possible for small businesses to self-insure and to purchase insurance on a group basis at more favorable rates. The Risk Retention Act is important. It does not, however, address the actual problems of products liability law that precipitated its passage; namely, that no precise parameters exist that define conditions under which manufacturers are to be held liable for those products which they produce. My legislation is intended to fully and equitably address these problems.

H.R. 5214 is a comprehensive bill; one that deals with all major issues germane to products liability actions. Its provisions are based on the hearings record and work of previous Congresses, and on the input of leading academicians and practicing products liability lawyers.

H.R. 5214 is a balanced bill; one that protects both consumers and manufacturers. If enacted, the stability that such law would bring to the costly and confusing area of products liability can be expected to benefit the economy by protecting jobs, reducing legal and insurance costs, and enhancing the incentive for the production and improvement of manufactured goods. For consumers, H.R. 5214 provides protection against faulty or defective products, and from those which have been poorly designed.

The bill meets these objectives by: Clearly defining the basic standards of responsibility for manufacturers and product sellers other than manufacturers; establishing reasonable periods of time during which a products liability action must be brought; protecting manufacturers from liability where unreasonable product misuse or alteration was the cause of an injury; protecting the public from products dangerously designed, or designed in a manner inconsistent with the industry or accepted standard, or inconsistent with mandatory State, local, and Federal government standards; providing an equitable system for the determination and award of punitive damages.

H.R. 5214 provides the needed guidelines for State courts to fairly adjudicate products liability actions. My bill establishes no bureaucracy; it requires no Federal funding. I introduce it because it is a fair and effective response to the inequities and disparities which have characterized products liability law in the past. Its enactment will benefit consumers and manufacturers alike and the economy in general. I therefore commend the bill, as well as the section-by-section analysis which follows, to the attention of my colleagues:

SECTION-BY-SECTION SUMMARY OF H.R. 5214

SECTION 1

The title of the Act is the "Products Liability Act of 1982."

SECTION 2

This section provides findings and purposes underlying the need for this legislation.

Findings include the complexity, inconsistency, and uncertainty of state products liability laws; the effects of uncertainty and confusion of such products liability laws on our nation; and the little that any one state can do to ameliorate these difficulties because products liability insurance rates are determined on a national basis.

Purposes include the fair, prompt, and efficient resolution of products liablity claims.

SECTION 3

This section defines certain terms used throughout the Act.

Subsection (1) defines "commerce" to comply with the Commerce Clause of the Constitution.

Subsection (2) defines "State" to include all possessions, territories of the United States.

Subsection (3) defines "person" very broadly (e.g., individuals, corporations, partnerships) and includes any Federal, State or local governmental entity.

Subsection (4) defines "product" to mean any "object capable of delivery" including components. This definition expressly excludes human tissue, organs, or blood and its components.

Subsection (5) defines a "products liability action" to mean any claim or action brought by a claimant against a product seller for harm caused by a product. This expression is defined to include actions previously based on strict liability in tort, negligence, breach of warranty, misrepresentation, concealment, or nondisclosure (whether intentional, negligent or innocent), manufacturer's liability, products liability, or otherwise.

Subsection (6) defines "claimant" to include persons harmed and their legal representatives.

Subsection (7) defines "harm" to include damage to property (other than product itself), personal physical injuries (including death), and pain or mental harm resulting from personal physical injuries. It expressly does not include commerical loss.

Subsection (8) defines "manufacturer" to include any wholesaler, distributor or retailer who "plays a significant role" in designing, producing, making, assembling, fabricating, constructing, altering, modifying, or remanufacturing the aspect of the product which injures claimant. The definition of "manufacturer" excludes one who merely distributes a product, or who assembles, services, or otherwise prepares the product as authorized by the manufacturer.

Subsection (9) defines "product seller" in broad terms. However, it excludes sellers of realty (except if the person is engaged in the mass production and sale of standardized dwellings), providers of professional services, and persons acting only in a financial capacity who are not manufacturers, wholesalers, distributors or retailers.

Subsection (10) defines "representation" to mean explicit statements, affirmations, promises or descriptions.

Subsection (11) defines "feasible" as practicable within available technical and scientific knowledge which has been adequately demonstrated and economically feasible, at the time of manufacture.

Subsection (12) defines "preponderance of the evidence" to require proof establishing that it is more probable than not that a fact occurred.

Subsection (13) defines "clear and convincing evidence" to require proof to produce a firm conviction as to the allegations sought to be established. This provision provides that the requisite proof is greater than that required by preponderance of the evidence, but is less than that required for proof beyond a reasonable doubt.

SECTION 4

This section provides for the Act's preemption of state law and clarifies that Federal jurisdiction is not created.

Subsection (a) provides that the Act supersedes Federal and State law to the extent such law is inconsistent with the Act.

Subsection (b) provides that the Act does not create a new Federal cause of action nor vest subject matter jurisdiction in any Federal district court where it does not already exist.

SECTION 5

This section provides for standards of responsibility for manufacturers.

Subsection (a) provides that for liability to obtain against a manufacturer, the claimant must prove by a preponderance of the evidence one of the following: (1) the product was unreasonably dangerous in construction; (2) the product was unreasonably dangerous in design; (3) the product was unreasonably dangerous because of a failure to provide adequate warnings, or instructions; or (4) the product was unreasonably dangerous because it did not conform to manufacturer's representation.

The subsequent subsections provide the principles to be used to determine whether a product was unreasonably dangerous. Additionally, claimant must prove that the unreasonably dangerous aspect of the product was the proximate cause of harm; and that the defendant manufactured the product. This subsection also provides that generally, any matter that must be established cannot be proved by showing the outcome of a previous lawsuit.

Subsection (b) provides that for a product to be unreasonably dangerous in construction, it must be shown to deviate from the manufacturer's design or performance standards or from otherwise identical units.

Subsection (c) provides that for a product to be unreasonably dangerous in design, it must be shown that an alternative design was available, which on balance would have been "better" than the chosen design (defined to mean safer, both as to the alleged hazard and as to overall safety; neither more expensive nor less useful or desirable unless warranted by the added safety benefits; and not in violation of statutes, regulations, or mandatory safety standards), and which would have been capable of preventing claimant's harm.

Subsection (d) provides that for a product to be unreasonably dangerous because of a failure to provide adequate warnings or instructions, it must be shown that danger or safety information was available to the manufacturer; was "reasonably necessary" (which is defined to refer to information concerning significant dangers which would be useful to persons likely to use the product other than information with respect to obvious or known dangers; trivial dangers; uses other than those that would be reasonably expected of an ordinary person; or uses associated with alterations or modifications that would not be expected of an ordinary person); or was not effectively provided to an "appropriate person" (defined to mean the product user, if feasible; a person reasonably expected to pass them on to the product user; in the case of certain products, an expert licensed to use them; in the case of products used in a work place, the employer or person having custody of the product; in the case of components, raw materials or bulk products, the manufacturer's immediate vendee); and if provided, the warnings would have prevented the claimant's harm.

Subsection (e) provides that for a product to be unreasonably dangerous because it did not conform to the manufactuer's representation, it must be shown that claimant relied on an untrue representation. Negligence or fraud need not be shown.

SECTION 6

This section provides for standards of responsibility for product sellers other than manufacturers.

Subsection (a) provides that a product seller may be liable only if preponderance of evidence shows that the product was the proximate cause of the claimant's harm, and that the product seller failed to use reasonable care with respect to the product. However, for liability to obtain, the product seller must have known of the danger that harmed claimant or have had reason and an opportunity to inspect the product, which inspection would have revealed the danger.

Subsection (b) provides that a product seller may be liable for its own representations if it is shown that claimant relied on an untrue representation.

Subsection (c) provides that a product seller will be strictly liable for defects arising in the product while under its control or under the control of a prior product seller other than a manufacturer.

Subsection (d) provides that a product seller may be liable if the manufacturer cannot be located or is probably not subject to process, or if the court determines that a judgment against the manufacturer will probably be unenforceable.

Subsection (e) provides that generally, any matter that must be established cannot be proved by showing the outcome of a previous lawsuit.

SECTION 7

This section provides the effect of government standards and contract specifications on liability.

Paragraph (1) of subsection (a) provides that if a product seller did not comply with mandatory state or federal government standards, the product will be considered unreasonably dangerous unless it is proved by clear and convincing evidence that such failure was reasonably prudent conduct under the circumstances.

Paragraph (2) of subsection (a) provides that if a product seller proves compliance with mandatory state or federal government standards, the product will not be considered unreasonably dangerous unless the claimant proves by clear and convincing evidence that such standards were unsound.

Subsection (b) provides that if a product seller proves compliance with mandatory government contract specifications, the product shall not be deemed unreasonably dangerous; and if claimant proves lack of compliance with such standards, the prod-

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uct shall be deemed unreasonably dangerous.

Subsection (c) provides that the principles set out in subparagraphs (a) and (b) are applicable to failures to warn or instruct.

If under this section a product is determined to be unreasonably dangerous, liability of the product seller will not ensue unless claimant establishes that the product was the proximate cause of the harm, and, in the case of a manufacturer, that it manufactured the product.

SECTION 8

This section provides that evidence of actions taken after the date of manufacture are not admissible as evidence, except to impeach a witness who denies the feasibility of precautionary measures.

SECTION 9

This section provides principles of comparative responsibility in the apportionment of damages. The trier of fact determines the total amount of damages claimant has sustained, and apportions this amount among all persons responsible (including claimant and non-parties). A de minimis rule excepts persons with trivial responsibility from apportionment.

This section also provides a special rule where workers' compensation is involved: In such case, the total damages to be apportioned are reduced by the greater of (1) the employer's or co-employer's responsibility; or (2) the amount of workers' compensation benefits.

Judgment is to be entered severally against all parties liable; upon subsequent motion of claimant, uncollected obligations may be reallocated among joint tortfeasors.

SECTION 10

This section provides the effect of workers' compensation benefits on liability. Damages otherwise recoverable in a products liability action are to be reduced by workers' compensation benefits. No subrogation, indemnity, contribution or lien may be had by an employer or its insurer against a product seller absent an agreement to the contrary. This section also contains a provision for adjusting damages where a products liability action is decided prior to adjudication of a workers' compensation claim.

Finally, no third-party action over against employer is permitted. However, the employer's (or co-employer's) responsibility will reduce the overall damage award in accordance with section 9.

SECTION 11

This section provides rules concerning punitive damages. After a determination of the product sellers's liability for actual damages and the amount thereof, on motion, the court may determine whether punitive damages should be awarded, and the amount thereof. Punitive damages shall be awarded only if a product seller acted with a flagrant indifference to consumer safety and if its actions were an extreme departure from accepted practice. In determining punitive damages, the court shall consider the likelihood that serious harm would arise; the extent of the product seller's awareness of such likelihood; the profitability of the misconduct; the duration of the misconduct and any concealment thereof; the attitude and conduct of the product seller's officers upon discovery of the misconduct; the financial condition of the product sellers; the total effect of other punishment imposed on the product seller; and whether claimant acted in reckless disregard of his own safety.

Punitive damages for any one claimant shall not exceed twice the amount of actual damages and in no event shall exceed $1 million. With respect to all claimants, punitive damages and prior fines shall not exceed 5 percent of net worth. Notwithstanding this agregate limitation, a claimant shall always be able to recover the lesser of twice compensatory damages or his litigation expenses including reasonable attorneys fees.

SECTION 12

This section provides time limits concerning the time in which an action must be brought.

Subsection (a) provides that a claim must be brought within three years of the time it was discovered or should have been discovered.

Subsections (b) to (d) provide a further limitation on the rule in subsection (a). All actions must be commenced within 10 years from the date the product was first sold. However, in the event that the manifestation of the harm is delayed, or in the event of intentional misrepresentation by a product seller, the action may be commenced within 15 years from the date of first sale. These time limitations may be extended by a product seller in writing.

SECTION 13

This section provides that if any provision of the Act is determined to be invalid, the remaining provisions of the Act shall be unaffected.

SECTION 14

This section provides that the Act shall be effective for actions commenced on or after January 1, 1983.

CHAIRMAN VOLCKER SHOULD RESIGN

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, today I am introducing a joint resolution calling for Federal Reserve Board Chairman Volcker to resign. I urge my colleagues to cosponsor this resolution.

This Nation has traveled the tight money, high interest road with Chairman Volcker to the bitter end. The end of the dream of homeownership for millions of American families. The end of auto industry employment for thousands of workers. The end of economic growth in this country.

I could quote figures, but we all know the figures. To cite just one statistic, the gross national product declined 5.2 percent in the last quarter, as our economy choked on high interest rates.

A victory over inflation will be hollow indeed if the price is the deliberate destruction of our industrial base. As one man put it in a letter to a Cleveland newspaper—and I quote:

> Paul Volcker would be the kind of health commissioner who would shoot every flu victim in town and then declare the epidemic under control.

The Fed's experiment with extreme monetarism has failed. Mr. Volcker was the architect of that experiment. His resignation is imperative so that we might try to repair the damage and move realistically toward lower interest rates.

CONGRESSIONAL TAX BREAKS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the last session of Congress, for all it did to try to set the Nation's economic house in order, took one action that upset its own economic house and weakened public confidence in the integrity of Congressmen. In a little noticed and obscure last minute legislative maneuver, the Senate tacked on an amendment concerning congressional tax breaks to a bill to fund black lung benefits, and sent the bill to the House where it was placed on the suspension calendar. When a bill is handled under suspension of the rules, it usually means that it is not controversial.

The black lung bill and two other matters unrelated to black lung benefits were not controversial. But the amendment tacked on to it by the Senate relating to tax benefits for Congressmen was extremely controversial.

The Senate amendment raised very substantially the limit on the automatic deduction that can be taken by a Member of Congress from $3,000 per year, which was established in 1954. Depending upon how many days Congress is in session during any year, that could mean a tax deduction of $15,000 to $20,000 for Senators and Congressmen.

In fact, the formula subsequently devised by IRS to calculate the number of days eligible for a $75 per day deduction permits the inclusion of all Mondays or Fridays the Congress is not in session so long as it is in session the other 3 days of the week. In other words, Congressmen could take a deduction even for days they were not working in Washington. In 1981, the House of Representatives was in session for 163 days, including strictly pro forma sessions. But under this IRS formula, Congressmen will be eligible to take a $75 a day deduction for 262 days, giving them an additional tax break of $7,500 for days the House was not in session.

I think that is excessive and the way it was handled leaves the strong impression that it was designed to slip it through without most Congressmen or the American people knowing about it.

Today I am introducing legislation to repeal the tax break enacted for Congressmen last year and return to the standard established in 1954. Congressman BILL EMERSON is cosponsoring this bill with me.

Whether the bill passes or not, I will not claim the new tax deduction when I file my 1981 Federal income tax return, and, as in years past, I will make available to the news media my 1981 Federal income tax return.

A CONGRESSIONAL WHITE PAPER—HILTON HEAD BOARD OF REALTORS

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARTNETT. Mr. Speaker, I would like to share with my colleagues a Congressional White Paper submitted by the Hilton Head Island, S.C. Board of Realtors. The paper addresses several issues which are important to the economic success of this area in South Carolina.

The Hilton Head Island Board of Realtors should be commended for their efforts and support for reducing the Federal budget deficit.

The white paper follows:

A Congressional White Paper Hilton Head Island Board of Realtors

The Hilton Head Island Board of Realtors submits this Congressional White Paper to underline its support for certain issues which it feels are important to continued economic success in our area of the Lowcountry of South Carolina.

Interest rates in the United States are falling from their record highs of 1981. The Board supports the present fight to lower interest rates by the Federal Reserve Board, Congress, and the Administration. It is our hope that this battle continues to be won and that federal deficit borrowing can be kept to a minimum in 1982, thereby reducing the impact of government on the interest rate structure.

The Board also favors the continued support for Federal Flood Insurance for seashore oriented development as long as environmental considerations are given due weight. It is the Board's resolve that Federal Flood Insurance be given support by the Congress for future development in a tasteful and environmentally conscious manner and the federal funding for sea wall development and maintenance be continued at a high standard.

The development of the Lowcountry requires funding for water and sewer projects so the beautiful environment can be maintained. No county, city or town wishes to pollute a river, marsh or estuary, so continued federal funding for water and sewer projects is an integral part of economic health in this area.

The economic development of the Lowcountry is of concern because it provides a solid tax base, jobs and a health environment for people to live and work. A coordinated effort between federal, state and local government, business, industry and labor needs to be created to coordinate a hearty developmental future for the region. This will provide expert information and guidance from all sectors.

The economy of the United States is an important factor in the development of the area; therefore, a favorable tax structure geared to investment will help business develop in a manner from which all can prosper. Support for the Administration's stance on fighting inflation is an important factor to spur future economic development as well as active pursuit of the Economic Recovery Act of 1981. All of the above factors are important to get America working again.

The increased productivity of the American Work Force is a matter we feel requires active study and implementation at all levels of work in America. If we are to better our balance of trade and increase the health of the American Economy, Industrial Productivity will have to be increased. In addressing this matter a center for business, government and labor studies should be created to act as a consultant on issues that impact on these sectors individually and as a group. It is our feeling that such a center could be profit oriented after several years of existence and more than pay for itself. In conjunction with the above center and in-depth study of the American Economy supported by the Private and Public sector should be carried out, to among other considerations measure the effects of supply side economics on the economy and chart a path for future economic growth and stability.

The Board of Realtors wishes to work closely with the elected representatives of South Carolina and advocates a liaison between those officials and the Board.

This report is respectively submitted by the RPAC Representatives and the Hilton Head Island Board of Realtors.

JOHN RHODES SAYS FAREWELL

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, by now the news that John Rhodes has decided to make this his last term in the House of Representatives has circulated throughout the Congress. For many of us, who have known John and worked closely with him, this fact will take some getting used to. The special grace and dignity which he brought to these Halls will be sorely missed. On Wednesday, February 2, later on I will ask for a special order to pay tribute to John Rhodes for his monumental contribution to his country, his State, and his party.

John Kolbe, of the Phoenix Gazette has written a piece in which he sums up by saying, "John Rhodes has class." It is very simple, but in this case profoundly true. I wish to share this writer's insight with my colleagues:

[From the Phoenix Gazette, Jan. 25, 1982]

Rhodes Says Farewell to Politics With Characteristic Grace, Simplicity

(By John Kolbe)

Now that John Rhodes has formally rung down the curtain on his remarkable political career, you might be excused for thinking he died.

The post-mortems will gush forth like so many obituaries.

Yet, it's precisely because they are not obituaries that makes his passing from the scene he has quietly dominated for three decades so unusual, and such an occasion for reflective joy.

He has set an example too seldom emulated by the Capitol Hill colleagues he is about to leave behind—he has recognized when his time was up, neatly severed the emotional bonds to the House he so loves, and embarked without tears on a new life while still at the peak of his mental powers and his capacity for making a contribution.

Whatever John Rhodes lacked in dash or charisma, he more than compensated with an intuitive sense of the limits of politics and personal ambition.

It might be argued he waited too long, that he should have stepped out when he shed his minority leadership mantle in 1980. That's quibbling over trifles. He may be excused for succumbing to the chance for one more stab at the speakership which forever eluded him.

Rhodes had been on the Hill long enough to see the Joe Martins and Charlie Hallecks and others wither away with the sunset of power until defeat or death overtook them, and he knew it was not for him.

By itself, that is a legacy sufficient to justify any career.

Which is not to suggest John Rhodes will leave behind nothing more enduring than the example of a graceful exit.

He will be remembered for many things, as should any man whose career of leadership has spanned a state's shedding of frontier innocence and coming of political and economic age.

Chief among them, which he himself proudly cites as his premier triumph, will be that big ditch coursing across the desert north of Phoenix—the long-dreamed Central Arizona Project, this state's lifeline to the future.

Nationally, he has cut a swath wider than any Arizonan in recent memory save Barry Goldwater and Mo Udall, chairing two Republican National Conventions (including 1976's tempestuous affair) with firmness and dignity, and assuming the GOP mantle of leadership in one of his party's darkest hours and helping restore its pride and define its governmental mission.

But, in candor, the Rhodes legislative achievements will never show up in the congressional record books, partly because he labored for 28 of his 30 years without the majority power essential to building such monuments.

John Rhodes' abiding legacy is less tangible than a stack of laws, but in the longer view of the nation's political rhythms, perhaps far more important.

He brought a steadiness, a quiet but unflagging confidence, to the conduct of the politician's craft. Every bill he wrote, argument he ameliorated, issue he debated or task he undertook, he touched with a consummate sense of decency.

And in that sense, he had become something of an anachronism, although he probably would never concede as much. Political style has undergone a sea-change since he arrived in Washington in 1952 as an Eisenhower-landslide freshman in the only Republican Congress he would ever serve, and that change—however inevitable with the shifting social tides—has not been an unqualified blessing.

Party discipline has been diluted. Freshman congressmen sound off before learning the way to the restroom. Government by press release is in vogue. Rhetorical combat has replaced pragmatic compromise. Tending constituent complaints supercedes guarding constitutional liberties.

It is no judgment on this new style to say, simply, that it's different, that it's not John Rhodes' style.

He seldom tugged at base emotions; a cerebral man, he appealed to more thoughtful instincts. His Arizona colleagues of three decades garnered far more headlines with their power, flamboyance or contentious ways. Where his compatriots were wild rapids and crashing cascades, Rhodes was old man river.

For us reporters, he was a bust, devoid of colorful lines, intimate revelations or angry tirades. John Rhodes never talked out of school. He was, in a word, boring, but ever so credible.

Because he valued the small step forward of accommodation more than the angry headline of failure, the young Turks in

GOP ranks became relative. So he stepped down two years ago rather than face a divisive leadership battle.

It is a pattern he maintained unto the end.

He told his press conference he would do some writing, but "not an autobiography. That would be telling people how I want to be remember, and they ought to decide that for themselves."

True to form, his decision was a well-kept secret to the end, and was accompanied by the usual gracious accolades to his wife, staff and newsmen.

It was also accompanied by prayers, he said, for "the wisdom to do my job well, and to leave the stage while the audience is asking for more. The time has come for me to do the latter."

For the friends and comrades of an adult lifetime, his decision came as no great shock. But even less surprising was the easy grace and straightforward simplicity with which he stepped aside.

John Rhodes, to use a word sadly cheapened by overuse, has class.

THERE'S NO LIBERTY WITHOUT LIFE

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, in July of 1979, a 3-pound infant was born in El Paso, Tex. The heart was beating, the baby breathed, and the newborn child made efforts to cry. Dr. Raymond Showery's abortion attempt was unsuccessful. The perverse use of his medical skills to destroy this life failed and the infant was born—alive. The doctor felt compelled to make up for his "malpractice" of delivering a live baby. A written report of the event said that Showery covered the baby's face, submerged it in liquid, and put it in a plastic bag. And the baby died.

A moment before it was legal to destroy this life; legally speaking, it was now a different matter, but hardly morally.

This life after birth, although its size and potential remained the same, no longer could be hidden inside the uterus and away from the eyes of the slayer, the assistants, and the law.

The courts were forced to consider this act of violence for now it was assumed, at least by some, that a child born deserves the protection of the law. An indictment was handed down on Friday, December 18, 1981, for murder.

What is it that made this life deserving of our concern at one moment yet not at another? What occured in that fleeting moment of birth that changed the value of this life?

And if nothing did change and even this new life deserves no protection, which newborn infants are protected from an early, violent death and which are not?

If on the same day that the doctor snuffed out that new life, the unborn child had suffered an injury in an auto accident, why is it he or she could have sued the guilty and the guilty would have been forced to compensate the injured?

Why is it, if on the same day if the father had died the unborn child would not have lost its rightful inheritance?

Why is it, if the unborn baby had suffered from medical malpractice on that day, if the child was injured by the doctor's ineptness, then the doctor could have been sued successfully and made to compensate the injured infant?

Why does any unborn of similar size and age have no right to life if someone chooses to sentence it to death, and yet have the right to legal protection if someone chooses that it shall live? Can our Nation survive with such a glaringly inconsistent legal code? Who are we, as protectors of life, liberty, and property, to have assumed this arbitrary power over human life? Do we qualify as executioners and grantors of kingly pardons? As our current law stands, that is how it seems.

What compels us to legally permit, encourage, and even pay for the destruction of human life? Mere size and the location of the life cannot be the only justifications. Could it not be that our respect for, and understanding of, life and liberty have been diminished? Have convenience and sensual pleasure now become superior to the moral law? And are certain lives expendable?

Is it only a concidence that the protection of personal and economic liberty suffered greatly even before we, as a Nation, rejected the legal protection of the unborn?

Respect for life and respect for liberty are one one in the same. To lose one is to lose the other, and if we continue to disregard both, our free society will be destroyed. We cannot remain callous toward human life, regardless of size.

□ 1215

MEMBERS OF CONGRESS SHOULD NOT RECEIVE TAX BENEFITS

(Mrs. BOUQUARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOUQUARD. Mr. Speaker, I firmly believe that Members of Congress should not receive any tax benefits or treatment that varies with what other taxpayers must accept. We should be able to claim those expenses which we can document and which the Internal Revenue Service would accept as legitimate costs incurred as a result of our employment. We expected that the Secretary of the Treasury, because he has responsibility for the Government's revenue, might be parsimonious in his treatment of Members' tax benefits. We were, needless to say, disappointed in this hope.

I have no objection to providing in law that a Member of Congress receive the same benefits and treatment from the IRS as do all other taxpayers, and I am today introducing legislation to repeal this deduction.

We cannot condone either this extraordinary generosity of the Treasury in this matter, nor the dubious tactics that prevented the issue from being clearly defined and debated.

INTEREST RATES—CAN WE AFFORD THEM?

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, interest rates—can we afford them?

On October 6, 1979, the Federal Reserve adopted a monetarist viewpoint. Ever since interest rates have gyrated up and down, but basically up. As a result, we know that the automobile industry has been slapped with its worst performance in two decades and the housing industry has literally been in a depression for several months.

The economy cannot recover and produce sustained growth with the current level of interest rates, continued high interest rates or worse yet, a rebound in interest rates would surely transfer the recessionary economy into a depression. Interest rates will fall in the depression along with everybody and everything.

The danger is clear and present. The risk we run is that the Fed's monetarist policy will slide us into a depression. With its zeal for tight money, the Fed actually operated at the low end of its target for 1981.

The consequence of a depression is structural damage to the economy. The housing and auto industries and other business bankruptcies would slow any future growth because so many people would be out of business.

The time to act is now, Mr. Speaker. The answer is clear. We cannot afford high interest rates.

EL SALVADOR

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the Reagan administration quietly has dragged the United States further into El Salvador's civil conflict, making the prospects for peace there increasingly dim. Without fanfare the administration brought the first of 1,600 Salvadoran soldiers to Fort Bragg, N.C., earlier this month for training. This will cost American taxpayers $18 million above the $26 million already authorized for military aid to El Salvador.

This large-scale training program signals a warning from the administration that the Salvadoran conflict will not be ended soon. The ongoing conflict already had overwhelmed the hope that elections planned for March in El Salvador would be open and fair, and no real effort has yet been made by the junta or by the Reagan administration to open negotiations with rebel forces.

At the same time, fighting in El Salvador shows signs of spilling over into neighboring countries. Cooperation between Honduran and Guatemalan forces and the El Salvadoran military in fighting opposition forces is prompting this regionalization of the war. Meanwhile, Government repression in Guatemala may well spark widespread rebellion there similar to the fighting in El Salvador.

The very plain fact of the matter is that no amount of military involvement by the United States will help bring a halt to this tragic conflict. The roots of the unrest are founded in 50 years of injustice and repression. Military aid to El Salvador should be stopped now.

CONGRESSMAN SAVAGE INTRODUCES BILL TO ASSIST TEMPORARY MORTAGE ASSISTANCE PROGRAM

(Mr. SAVAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, today I am introducing legislation which I believe will provide relief for persons who are out of work and cannot make mortgage payments on loans insured by the Department of Housing and Urban Development.

Although Congress passed legislation in 1980 when it enacted the Housing and Community Development Act to cut up a temporary mortgage assistance program, otherwise known as TMAP, funds have not been appropriated to implement this program.

With so many people out of work, like many of the laid-off Wisconsin steelworkers and residents of the Roseland community in my district, for example, many families may lose their homes, because finding new jobs or retraining takes time and that does not stop the bills from coming in.

In my opinion, this is just another example of the insensitivity of the Reagan administration toward the working poor and middle-class citizens of this country.

My bill would help to get this program off dead center. So I urge my colleagues to lend their support.

COMMUNICATION FROM THE SPEAKER TO THE COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore (Mr. Moakley) laid before the House the following communication from the Speaker of the House of Representatives to the Committee on Energy and Commerce.

Washington, D.C.,
January 22, 1982.

Hon. John D. Dingell,
Chairman, Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, House of Representatives, Washington, D.C.

Dear Mr. Chairman: I have received your letter of January 21, 1982 notifying me, pursuant to Rule L (50) of the Rules of the House, of your recent receipt of a subpoena ad testificandum in *William P. Tavoulareas, et al.* v. *Philip Piro* and *William P. Tavoulareas, et al.* v. *The Washington Post Co., et al.*, Civil Action Action Nos. 80-2387 and 80-3032. I agree with you that this subpoena appears to raise serious questions concerning the rights and privileges of the House of Representatives.

It has been my policy, ;under House Rule L (50) and its predecessor, House Resolution 722, to consult with the bi-partisan leadership of the House of Representatives. The serious questions raised by a subpoena of this nature lead me to instruct you, pursuant to the power vested in me by paragraph six (6) of Rule L (50), to refrain from either effecting compliance of seeking judicial guidance until the leadership of the House has had a reasonable opportunity to receive and review the determinations to be made pursuant to paragraph three (3) of Rule L (50).

Sincerely,
Thomas P. O'Neill, Jr.,
Speaker.

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SIXTY-FOURTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE, JANUARY 22, 1982

The SPEAKER pro tempore (Mr. Barnard). Under a previous order of the House, the gentleman from New York (Mr. Stratton) is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, January 22 of this year marked the 64th anniversary of the independence of the Ukraine. As we have done regularly for many years, Members of the House have participated in special orders to salute this important anniversary date, to express the hope for a speedy return of the independence of the Ukraine, and to salute, encourage, and commend those Americans of Ukrainian descent.

Of course, as we are aware, the House was not in session on January 22, because of the recess marking the end of the 1st session of the 97th Congress, and so the gentleman from Illinois (Mr. Derwinski) and I selected today instead to render our comments and observations on this important anniversary.

The Ukraine is one of the most important of the Captive Nations whose plight Congress annually commemorates in July pursuant to a resolution adopted more than 20 years ago. It is unfortunate that because the independence of the Ukraine lasted but a short time, between the fall of the Czar and the military takeover of the Ukraine by the Bolshevik government under Lenin, some people tend to forget that the Ukraine was indeed at one time free. For 5 years the Ukraine had a separate political identity of its own, even though since 1918 it has been incorporated into territory of the U.S.S.R.

The Baltic States of Estonia, Latvia, and Lithuania are also incorporated within the territory of the Soviet Union. But their independence, which was established as part of the treaty which took Russia out of World War I, continued until the Soviet counterattack against the Nazi forces in World War II, some 22 years later.

The Ukraine has had a long and distinguished history, with geographic and ethnic identities of its own. Of special importance has been the Ukraine's excellent agricultural production. For centuries it has, therefore, been the target for the aggression on the part of whatever European power might believe itself at the moment to be in the ascendance—by Poland, by Sweden, by Prussia, by Germany, and of course by the Bolsheviks. Yet throughout all of these invasions and occupations, including the current one, the people of the Ukraine have maintained their fierce love of freedom, their bold sense of independence, and their individual integrity.

When our House Armed Services Committee was in the Ukraine in 1978 during a trip to the U.S.S.R., it was perfectly obvious to all of us on the trip that, although politically a part of the Soviet Union, the Ukrainian people were a very special breed—more open, more friendly, and much more insistent on their own special identity. Not even the harsh controls employed by the Soviet KGB could impose the kind of cautious hesitation upon Ukrainians that one encountered on the part of citizens in other parts of the U.S.S.R. We are now seeing similar courage, tenacity, and integrity among the Polish people and Solidarity during these last 2 difficult years in Poland.

Fortunately, Mr. Speaker, the oppression which the Soviet masters have imposed on the people of the Ukraine has had a strong, positive impact on these United States. We have been most fortunate in inheriting the drive, the skills, and the rugged independence of those Ukrainians who could no longer put up with life without the freedom. As a result, hundreds of thousands of Americans of Ukrainian descent have made extremely valuable contributions to the growth and development of the United States; and their children and their children's children have continued those great contributions.

We salute these brave Ukrainian American people in this anniversary year, and we honor them for their achievements.

At the same time, Mr. Speaker, we must not forget the plight of the people still living in the Ukraine. Their leaders and their patriots have already been jailed or exiled—as is being done today in Poland—for no other crime than sincerely seeking the freedom and independence to live their own lives, a right that should be the heritage of every human being: Nykola Rudenko, for example, whose fate we sought unsuccessfully to ameliorate when our committee visited the Ukraine in 1978.

Although the hope and optimism we held out for Poland has been dimmed by the recent imposition of martial law by the Communist Polish Government, under fire from Moscow, the story there is not yet over. We surely hope that the impressive achievements of Solidarity, and their apparent ability to negotiate some measure of freedom with the Soviets, can eventually come true in the Ukraine and in other parts of the Captive Nations' gulag in the years ahead.

This is not just a rhetorical statement, Mr. Speaker. Who could have thought just a few years ago that what has been happening in Poland could have ever happened behind the Iron Curtain? If it can happen in Poland, it can certainly happen in the Ukraine, and elsewhere.

So on this 64th anniversary of the brief but brilliant freedom of the Ukraine, let us simply make this prayer—"God speed the day when this sunshine of freedom shall indeed come again to the Ukraine."

[From the News World, Jan. 13, 1982]

CAPTIVE UKRAINE TEACHES US THE DEPTH OF SOVIET BRUTALITY

(By Bui Anh Tuan)

On Jan. 22, Ukrainians all over the Free World will celebrate the 64th anniversary of their country's proclamation of independence. The struggle of Solidarity adds more purport to that commemoration: Like Poland, Ukraine once enjoyed full sovereignty, and like Poland, Ukraine is being held captive behind the Iron Curtain.

From Ukraine to Poland, the Soviets have not changed their modus operandi. In the latter, they silenced the cries for freedom by means of local communist puppets who call themselves martial law authorities, while in the former they used a tiny group of Ukrainian traitors to cover up their military aggression of 1920, designed to destroy the Ukrainian National Republic and to create an illegal government known as the Ukrainian Soviet Socialist Republic, U.S.S.R.

And what makes these facts more memorable is that Western democrats—in Europe as well as in America—who gave no quarter to the two notorious World War II puppets of Nazi Germany (Norway's Vidkun Quisling and France's Pierre Laval) have put up with—even aided—the cruel puppets of the Soviet Union in Ukraine, Poland and in other parts of the world.

MILLIONS ANNIHILATED

The 64th commemoration of Ukrainian independence is a new opportunity for Americans to remember that the Soviet Union is the only remaining colonial empire, and that its leaders are many times more brutal than those of czarist Russia, which they overthrew in the name of human liberty and antiimperialism. During six decades of communist rule, millions of Ukrainians have been annihilated through deportations, executions and man-made famines.

In addition, both the Ukrainian Orthodox Church and Ukrainian Catholic Church have been obliterated, along with their clergy, prompting conservative members of Congress to introduce Resolution 123, exposing that form of Soviet "genocide" and seeking resurrection of these national churches to 50 million Ukrainians.

The Ukraine is proof of the intrinsic deviousness of communism. Ukrainian independence was recognized by a large number of nations, including Soviet Russia. But their solemn pledge has not prevented the Russian Bolsheviks from invading Ukraine and turning it into a colony.

More painful is the fact that Western nations, particularly France and England which were among the early recognizers of Ukrainian independence, comfortably sat tight as a numerically and technically superior Russian army made mincemeat of Ukrainian resistance. Without Western assistance, Ukraine valiantly fought the communist invaders for 3½ years. History would have taken a different turn if Western liberalism had been more sympathetic to the aspirations of free Ukraine.

WON'T STOP FIGHTING

Despite Soviet oppression and Western liberal abandonment, Ukrainians continue the fight. Ukraine represents 20 percent of the population in the Soviet Union, but some 45 percent of political prisoners in all Soviet gulags come from Ukraine. On Nov. 9, 1976, the Ukrainian Helsinki Group was formed. Three months later, its leader was arrested. Now, not a single active member of the monitoring group is around—23 behind bars, six exiled overseas, one driven to suicide and two under KGB surveillance after completing their jail terms for their quest for freedom.

The ruthlessness of Soviet leaders has no limits. Chornovil, a journalist-Helsinki activist, was framed for "attempted rape." A woman was sentenced to 10 years of imprisonment for receiving uncensored letters from her husband. Age also, breeds no immunity—five years of internal exile plus six months in a psychiatric hospital for a 76-year-old frail woman; and 10 years in jail for Shukhevych, then a 14-year-old boy. If Shukhevych is released in 1987 at the end of his present jail term, he will have spent 35 years in prison.

IGNORED BY MEDIA

Just a very few in this country know about the fate of Mykola Rudenko, the Ukrainian Helsinki leader, and his courageous wife Raisa. Both are now in jail. The Rudenkos oppose Soviet imperialism, but our major media is not interested in them. By contrast, the South Korean Kim Dae Jung, who dees not oppose Soviet imperialism, has almost become a household name in America.

Of 32 members of the Ukrainian Helsinki group, 10 are journalists, writers and poets. Our major media simply ignore their struggle and ordeal. But no fewer than 1,000 members of our news organizations, including those from The New York Times and The Washington Post, have signed an "open letter on violence against journalists in El Salvador," heaping blame on the moderate pro-U.S. government of President Napolean Duarte!

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC.
New York, N.Y., January 18, 1982.

DEAR REPRESENTATIVE: The Polish crisis has once again demanded a re-thinking by all free men about the Soviet Russians, the USSR, and all the captive non-Russian nations from the Danube to the Urals. Both in the short and long run it would be the height of naivete to believe this crisis is exclusively a Polish one. To commence such a reassessment in this new year, a no more appropriate occasion presents itself than the observance of the 64th Anniversary of the Independence of Ukraine. It's a good time for some integrative thought.

Like Poland, Ukraine (the largest non-Russian nation of 50 million both in the USSR and Eastern Europe) fell under soviet Russian domination two decades earlier. The independent Ukrainian National Republic, established on January 22, 1918 following the collapse of the Tsarist Russian Empire, was one of the first victims of soviet Russian imperialism, which in a long series of conquests stalks today in Afghanistan. Like Poland's, the history of Ukraine's resistance to a more immediate Soviet Russian rule has been a long and heroic one. A vital point overlooked in current discussion is Moscow's deep fear of Solidarity's overspill into the Baltic states and Ukraine. For strikes and workers' demands for free unionism have also emerged in Estonia, Ukraine, and federated Russia. As scholars in the field maintain, had Ukraine remained free, Poland and others would not be unfree.

Your address on this fundamental subject in the Congress during the week of January 25 will not go unheard. I urge you to stimulate this re-thinking process so that new and more realistic approaches toward an irrepressible enemy could be developed. VOA, RL and FRE, as well as other media, will transmit your message to these critical areas of Eastern Europe. I also urge your support of (1) the resolutions now pending before the House Foreign Affairs Committee (the Senate has already passed the Goldwater measure) seeking the resurrection of the Stalin-genocided Ukrainian Orthodox and Catholic churches in Ukraine and (2) full, informative hearings on the non-Russian nations in the USSR. The President's excellent address on the Polish crisis provides the tone for such action.

In the House, under formal order, the Honorable Samuel S. Stratton and Edward J. Derwinski will lead the discussive observance. In the Senate, we hope for a productive colloquy, and a reception will be sponsored by the Honorable Alfonse M. D'Amato and Christopher J. Dodd. The respective offices will have dates, place and time when Congress reconvenes.

With much gratitude for your participation and best wishes in the New Year.

Sincerely,

LEV. E. DOBRIANSKY,
UCCA President,
Georgetown University.

☐ 1230

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am very happy to yield to the gentleman from New York.

Mr. BIAGGI. I want to thank the gentleman for yielding and take this opportunity to commend him for his leadership, together with the gentleman from Illinois (Mr. DERWINSKI) whose efforts in this area have been unflagging. It is this type of manifestation of continued concern that gives hope to those who are enslaved in the Ukraine and other nations in the captive nations bloc.

On the note that the gentleman is stressing, when he so graciously yielded to me, when he equated the Ukraine and the recent conduct in Poland, it clearly demonstrates that the spirit of freedom that is in the bosom of all mankind can never be finally and irrepressibly suppressed. It must one day burst forth, and I am sure it will. Hopefully, one day the yoke of tyranny will be shed, and those in the Ukraine and all of those who are now subjugated by the Soviet Union, and to their oppressive methods, will be free. It is only because of that spirit and because of the continued interest of people like the gentleman in the well, Mr. DERWINSKI, and our colleagues in both Houses, and the community at large, that functions on a day-to-day basis. Even though small in their numbers, their abundance of spirit crosses the ocean to continue to fire the light of hope in the breast of all of those that we are so concerned about.

Mr. STRATTON. I thank the gentleman from New York (Mr. BIAGGI), for his always eloquent and very pertinent remarks.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to my colleague, the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. I thank the gentleman for yielding.

I, too, want to join in congratulating the gentleman for not only taking this time but for the remarks that he has made concerning the Ukrainians' independence.

I would like to mention briefly at this time that over the recess I have become very personally involved in a situation dealing with a 14-year-old Ukrainian boy who has in our country here struck out for freedom. The young man's name is Walter Polovchak. It is a very familiar name in this country today because of the great controversy that has been raging over this young man between the Soviet Union and the United States.

I had the opportunity of going to Chicago and visiting with this young boy for some time before I decided that it was in our best interests here in the United States and in the boy's best interests to obtain an order through the Justice Department that would guarantee his right to stay in this country until such time as all legal processes had been explored, and so he would not be forced to return. I thought on this day and on this anniversary it would be of particular interest to hear a letter that I received this morning from this young man, written to me. I have excerpted the letter because there were some statements of a highly personal nature that I did not feel related to the situation, but I felt that I would like to read very briefly what Walter had to say. I would like to say before that, that this is a decent, nice young man who for the first time in his life has tasted freedom here, and does not want to be returned to the repression that he lived in for 12 years before coming here. This is what Walter had to say:

EXCERPTS FROM LETTER RECEIVED ON JANUARY 26, 1982

Dear Congressman Peyser: I decided to write you a letter. I would like to tell you why I want to stay in this country. I like the freedom. I like the people and country. I can practice my religion here. I don't want to go back because if I go they will put me in jail or to a mental house. I don't like the way the teachers were hitting children. We had to go to school on Christmas and wash the desks and clean the walls. In summer, not school time, we had to go and work in the fields.

I don't like to belong to the Communist organization called pioneers. The people are not free. They can't say what they want to say. I couldn't practice my religion. I couldn't go to church because if I go the teachers were standing in front of the church and next day you go to school and you get in trouble. I couldn't go to another city or state. The police had to know where you were going to live in the city. You had to sign out. You couldn't buy food in a store. You had to know someone that works in the store to buy some food.

I was raised by my grandmother until I was 12 years old. When we were in Italy on the way to America, my father told me that I could go and live in California with my aunt. Then, about 6 months later, my father told me that he is going back to the Soviet Union. I said that I don't want to go back, and he said he will pay $100 to the police to put me on the plane and send me back. I got scared and I ran away from home.

On this, I am ending my letter. Please write me if you want to know more.

WALTER POLOVCHAK.

Mr. PEYSER. Now, you can picture the strain that this 14-year-old is under and has been under in making the decision he has made. But I think he has exemplified the best tradition of freedom that exists among Ukrainian people, and given the opportunity to express that freedom as he has, I think they would express it the same way.

I think it is very much up to us in the United States, and if need be in the Congress itself, to guarantee that this young boy is going to have a chance to grow up in the United States and enjoy this freedom.

I thank the gentleman from New York (Mr. STRATTON) for yielding to me.

Mr. STRATTON. Let me commend the gentleman from New York for reading that letter into the RECORD. I think that is a very eloquent and unusual letter.

As I understand the gentleman this is one that has not been made public. It certainly indicates that this boy of 14, whom some in the press are trying to portray as just a kid, has a perception of the ideas of freedom far beyond his years, and I would think that that would be a very eloquent piece of evidence in behalf of his plea to be allowed to remain here.

Mr. PEYSER. The gentleman is correct. This has not been released until just now.

Mr. STRATTON. I want to also commend the gentleman for his interest in this matter. As he said, he went to Chicago to visit the young man. One of our leading newspapers in New York State, I noticed, undertook to chastise the gentleman from New York for going out there and interesting himself in this particular case. That is strange, because I thought the New York Times stood for freedom, the way the rest of us do. But I think what the gentleman has come up with is a very valuable piece of evidence, and I would share his view that if the executive branch should weaken—although I do not believe it will—in allowing him to remain here, we in the Congress ought to certainly provide the last refuge and allow him to continue here. It certainly demonstrates that the Ukrainian people, as I was just saying, have a special premature, perhaps, sense of freedom which is demonstrated by this young man, and by his older sister, I understand, who also decided to choose freedom. She was 3 or 4 years older, but nobody seems to be terribly upset by the fact that she stayed here.

Mr. PEYSER. If the gentleman would yield on that point, the gentleman is very correct. The sister, whose name is Natalie, recently spent a weekend in my home in New York, and she is a delightful young woman who has really, I say, grabbed with both hands the essence of American freedom. And the reason no issue is being made over here is that she was old enough to enter the country on her own passport and, therefore, she was free of any other obligations, and she has chosen to remain and is going on, I am sure, to an outstanding career in this country.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am pleased to have the gentleman participate in this special order, and I yield to the gentleman from Illinois for that purpose.

(**Mr. DERWINSKI** asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I am pleased to join with my colleague, Congressman SAM STRATTON, in cosponsoring this special order in honor of the 64th anniversary of the independence of the Republic of Ukraine.

As we commemorate this anniversary, it is necessary to remember that the Soviet Union continues to suppress the nationalistic spirit of the non-Russian Republics within the U.S.S.R. As we look at the plight of the people of the Ukraine, the largest non-Russian country in Eastern Europe being held captive by the Soviets, it is important to note that the date of January 22, remains a symbol of a period when human dignity, national freedom, and self-determination were gained.

Sixty-four years ago, the Ukraine was able to break away from the czarist regime of Russia and declare its freedom and self-determination. On that day in 1918, the proclamation of independence of the Ukrainian National Republic was issued in the city of Kiev, which became the capital city of the Ukraine.

However, after 2 years of this nation's existence, Russian control was once again restored by the forced incorporation of the Ukraine into the Soviet Socialist Republics, and it remains today under the black hand of Soviet oppression.

This domination has not dampened the spirits of the Ukrainian people as they continue their ongoing struggle to preserve their cultural and traditional beliefs that have been so vital to their existence. The Ukrainian people have strong traditions, a distinct language and literature, and deep religious convictions of their own.

Since the time of the Russian Communist takeover, the Ukrainian people have not given up hope of once more regaining the freedom which they knew so briefly. Their constant efforts are proof of the inability of the Kremlin rulers to break the noble Ukrainian nationalistic spirit.

The tenacity of their dissident nationalistic movement has never died. Despite the extreme pressure tactics employed by the Soviet Union on the Ukrainian people, dissenters continue to speak out against the cruel Soviet tyranny.

The determination of its people to retain their cultural and intellectual freedom still grows.

One of the most dramatic and encouraging factors in the ongoing struggle between freedom and tyranny is the continuing growth of this nationalistic spirit among the non-Russian peoples within the U.S.S.R. This is especially significant when we keep in mind that the Communist dictatorship in the Kremlin has failed in their efforts to eradicate the nationalism of the Ukrainian people.

Not only is the Ukraine the largest nation territorially in Eastern Europe and the U.S.S.R., it has the largest nationality group within the Soviet bloc. It is also the richest in resources of the captive nations, possessing tremendous agricultural lands, which once earned for it the title of the "Breadbasket of Europe," as well as possessing an abundance of industrial assets.

Today, as we commemorate the 64th anniversary of the strong and determined peoples of the Ukraine, we must not forget the struggle of the oppressed nations held captive by Soviet rule, and continue to offer hope and our full and uncompromising support in their aspirations for freedom and self-determination. We must help to make their shattered dreams and those of all captive peoples reality once again.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for his remarks. I have only tried modestly to follow in the footsteps of the great leadership that the gentleman from Illinois has provided.

● Mr. MOAKLEY. Mr. Speaker, I rise today to commemorate the 64th anniversary of the Proclamation of Independence of the Ukrainian National Republic.

On this date in 1918, the brave and determined people of this country celebrated what they believed to be the end of many years of repression by the more powerful countries which surrounded them. Unfortunately, in the early stages of World War II, the Soviet Union abruptly put an end to the short-lived freedom Ukrainians had enjoyed by a forceable Soviet occupation and takeover of that region. Thousands of Ukrainians lost their lives and homes as a result of this cruel and unjust action by the Soviets. The most significant loss, however, was the denial of freedom which the Ukrainian people had fought so hard to obtain.

Mr. Speaker, I consider myself most fortunate to live in a country that entitles me to freedom and independence. I cherish these privileges more than anything. I volunteered for the service in World War II because I believed so strongly that these essential rights should and must be protected. My heart goes out to the people of the Ukraine. I realize the agony that these freedom-loving people must be experiencing. Therefore, I believe it to be the obligation of this Congress to not only condemn the oppression that still plagues the people of the Ukraine, but to also support and encourage their struggle to regain their freedom. I am proud to stand with my colleagues in honoring this important date and also in our commitment to the people of the Ukraine.●

● Mr. BROOMFIELD. Mr. Speaker, January 26 marks the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic. On this occasion we join with Ukrainians throughout the world in commemorating this event. As much as any people today, Ukrainians understand and cherish the value of freedom, if only because for much of their history, freedom has been denied to them. They have paid a price for wanting independence. They have suffered under both Communist and Nazi oppression. They continue to strive for liberty today even as the Soviet Red Army seeks to crush any vestige of dissent, much less independence.

Because we are all one people on this planet, and because our own freedom is jeopardized by the persecution of freedom-loving people anywhere, our hearts and prayers go out to the Ukrainian people as they continue to struggle against totalitarianism.

May their quest for freedom be successful, and may history record that even during their darkest hours, their cause was not forgotten by the world.●

● Mr. DOUGHERTY. Mr. Speaker, it was 64 years ago last week that a nation was born. More correctly, a nation was reborn that year, for the people of Ukraine had enjoyed independence throughout their history. On January 22, 1918, the Ukrainian Central Rada, the legal government, proclaimed the Ukraine to be an independent state. The next year found more territories eager to join the new Ukraine. The hopes and visions of the Ukrainian people were never stronger than at that promising period of 1918 to 1920.

As we all know, the Soviet Russians have never been accused of respecting the hopes and visions of any independent state. In 1920, they moved into Ukraine and took control.

Because we have seen the Russians invade nations in the 1980's, we tend to downplay such occurrences in the 1920's. Mr. Speaker, that kind of attitude is totally wrong. The fact that these Ukrainians have been denied their rightful independence for 64 years in fact increases the magnitude of this terrible injustice. We must become more vocal in our outrage at this foul deed. We must not be silent or tolerant. We must be as forceful now as we would if the Soviets had just moved into Ukraine yesterday.

As the Soviet Government has no doubt learned, the passage of time has only strengthened the resolve of those committed to seeing an independent Ukraine once again. The U.S. Congress will take this opportunity every year to remind the Soviet Government of their responsibility to respect human rights. Let me assure you, Mr. Speaker, as cochairman of the Ad Hoc Congressional Committee on the Baltic States and Ukraine, that the struggle for Ukrainian human rights will continue throughout 1982. The Soviets can best respect human rights in this case by acknowledging, 64 years too late, the legitimate independence of Ukraine.●

● Mr. HYDE. Mr. Speaker, I want to thank Congressman DERWINSKI and Congressman STRATTON for arranging this special order in commemoration of the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic.

I was greatly honored last year at this time to be named "Man of the Year" by the Illinois division of the Ukrainian Congress Committee of America—a distinction of which I am very proud.

When we speak of the Captive Nations struggling under communist slavery, there is no exaggeration in stating that the Ukraine has suffered the longest.

The record of Russia's inhuman treatment and persecution in Ukraine is probably matchless in the history of mankind. Since 1920, Ukraine has endured persecution, mass murders amounting to genocide, religious and national persecution and economic exploitation. To this day, Moscow continues its relentless policy of the Russification of Ukraine.

And yet, the tradition of Ukrainian independence—a tradition that goes back centuries—cannot be destroyed. A spirit of freedom lives on in the hearts of those who must endure Soviet threats, persecution, cultural and political manipulation, propaganda, discrimination and suppression. Despite this, the Ukraine people continue to fight daily for their human rights and national independence.

As we reflect on their ordeal today, we must also recognize and pay tribute to the Ukrainian Congress Committee of America which, since 1940, has been a powerful advocate of independence for Ukraine. I know my colleagues join me in congratulating the committee for its zeal and dedication in continuing the struggle for freedom in Ukraine, and for serving as the voice of so many in this captive nation who cannot speak for themselves.●

● Mr. ANDERSON. Mr. Speaker, January 22 marked the 64th anniversary of Ukrainian independence. In 1918 a Ukrainian Republic was established on that day, as the Czarist Empire was disintegrating in the wake of its defeat in World War I. The new republic marked the end of centuries of cruel exploitation of the Ukraine by Russia.

The new state was recognized almost immediately by many other nations of the world. On February 9, 1918, the Ukraine signed a peace treaty with Germany, Austria-Hungary, Turkey, and Bulgaria. Shortly afterward, France and Great Britain accorded the young republic de facto recognition.

Tragically, the new Soviet regime to the Ukraine's north did not share in the spirit of self-determination characteristic of the era and launched an invasion after the establishment of the state. A brutal struggle ensued, in which the Ukraine fought alongside the newly independent Polish Republic against their common Bolshevik foe. During the war, Kiev, the Ukrainian capital, changed hands several times and eventually the Soviets emerged victorious. The Treaty of Riga, signed by Russia and Poland in March 1921, marked the end of Ukrainian dependence and a return of foreign domination over the proud and courageous Ukrainian people.

Soviet rule proved even harsher than Czarist oppression. Ukrainian language and culture have been relegated to a secondary status as the Soviet regime has attempted to absorb the Ukrainian people into the Russian nation. In 1932, collectivization stripped Ukrainian farmers of their land—so fertile the area is known as "the breadbasket of Europe"—and produced a famine that led to 7 million deaths. That same decade also witnessed the brutal liquidation of the Ukrainian Orthodox and Catholic Churches. Imposition of Russian culture on the Ukrainian people continues at the present time.

In light of these tragic events, Ukrainian Independence Day remains a bittersweet celebration for the 50 million Ukrainians in their homland and the 2 million Ukrainian-Americans who enjoy true freedom in our country today. I know my colleagues join me in fervently wishing that the 50 million Ukrainians now within the boundaries of the U.S.S.R. could enjoy a similar degree of freedom as their compatriots in this country do.●

● Mr. ADDABBO. Mr. Speaker, it is more important than ever that we commemorate and stand strong behind the Ukrainians as they commemorate January 22 as the 64th anniversary of their Declaration of Independence and Self-Determination.

This day gives us time to reflect and appreciate the freedom that exists in America today. Currently, since the Soviet Union places more pressure on the free wills of the people living behind the Iron Curtain, we must show our support for the continuous struggle that the people of the Ukraine have endured since the granting of their independence in 1918.

The Ukrainians are people who should be applauded for their ongoing resistance to the Soviet subjugation. The Ukrainians continue striving to preserve the cultural and traditional beliefs of their own distinct history. They continue to fight for freedom and national identity, no matter what the cost.

It is hard not to think of the struggle and stress that the Polish people are now experiencing. Situations like the Polish question which is now at the forefront of public attention have existed in the Ukraine for the last 64 years. No one can possibly imagine what it is like to live under a situation like the one that exists in the Ukraine and Poland today. Moscow continues its imperialistic Russification policies, while breaking promises to its satellites as well as to other Western nations.

I cannot more strongly state that we have an obligation to display to the people of the Ukraine that they have an ally. They need to know that we as Americans continue to remember and support their struggle for basic human liberties and rights. Let us remember our basic liberties, such as freedom of the press, speech, travel, and to vote. And, let us never forget that this day is only one reminder that the people of the Ukraine struggle every day of the year to gain just some of the basic inalienable rights that exist in the free world.●

● Mr. LENT. Mr. Speaker, January 26, 1982, marks the 64th anniversary of independence for the people of the sovereign state of the Ukrainian Republic. I'm pleased to be part of this memorable occasion which commemorates a most significant event. As a nation of people who enjoy personal liberty, we should not be complacent about the greatness of our country or the many freedoms it offers us. The people of the Ukraine are continuing their struggle to secure the rights and freedoms that we as a nation fought for and won over 200 years ago. We should join together in saluting the Ukrainians to demonstrate that they are not forgotten by those of us who cherish the freedoms of a free society. Always standing proudly, the people of the Ukrainian Republic have courageously battled continuous Soviet domination. The Ukraine, which is the largest non-Russian nation within the U.S.S.R. and all of Eastern Europe, has a very strong and commendable record of opposition to the aggressive imperialism of the Soviet Union. The Ukrainian Congress Committee of America, Inc., serves an admirable function by drawing attention to the plight of those who live through this terrible ordeal.

The Urkrainian spirit remains undaunted and strong despite the adverse conditions these people valiantly struggle against. The Ukrainian people continue to nurture a flickering flame of freedom that cannot be snuffed out by acts of Soviet imperialism. On the 64th anniversary of their independence, they truly deserve our unending support for their courage and constancy.●

● Mrs. HOLT. Mr. Speaker, Russian imperialism is nothing new to the people of the Ukraine, who have been struggling for independence for centuries. The evidence of the marvelous spirit of the Ukrainian people is that they have managed to retain their ethnic and cultural identity and continue to pursue their quest for freedom and independence.

We should not forget that the Soviet Union consists of many captive nations oppressed by Russian imperialism, but the Ukraine is the largest and potentially the most troublesome for the Kremlin.

Today we commemorate the Ukrainian declaration of independence 64 years ago, but this liberation lasted only 3 years until Russian domination returned.

The hope for freedom survives today in the Ukraine, and we should join our hopes and prayers with their aspirations, even as we support the movement for freedom in Poland and applaud the courageous resistance of the Afghan people against the Soviet invasion.●

● Mr. ROE. Mr. Speaker, our observance his week of the 64th anniversary of the Ukrainian Independence Day takes on special meaning in the light of the current plight being suffered by the people of Poland.

The Ukrainian people, once members of a free and proud nation themselves, clearly understand the true meaning and likely consequences of the military rule in Poland. Ukrainians, and all other freedom loving people around the world, are well aware the oppression taking place in Poland has been carefully orchestrated by the Soviet Union.

Like Poland, the Ukraine was also a free nation. January 22, 1918, was a day of glory for Ukrainians when their free and democratic Parliament, the Rada, declared the nation's independence. But freedom for the Ukrainian National Republic was seen as a serious threat by the Communist forces that had taken control of Russia during the revolution of 1917. Finally, in 1922, the Communists forcibly took over the Ukraine and began a brutal repressive campaign against the Ukrainian people that continues today.

Mr. Speaker, literally millions of Ukrainians have been systematically slaughtered by a succession of Russian Communist regimes. Ukrainians have been forced over the past 64 years to leave their homeland and serve their Russian slavemasters in factories and on farms throughout the Soviet Union.

Despite all this turmoil and tragedy, the Ukrainians living in the Soviet Union have somehow managed against great odds to maintain both their dignity and their ethnic identity. There is no question that while Russian control over the Ukraine is brutal and complete, the spirit of the Ukrainian people has never been diminished.

Mr. Speaker, I am proud to have sponsored a House resolution declaring that it be the sense of Congress that the President of the United States shall take steps to secure freedom of worship in the Ukraine and bring to the attention of national and international religious councils Soviet violations of basic human rights. It is my utmost hope this effort will lead to the resurrection of the Ukrainian Orthodox and Catholic Churches that were destroyed during the Stalin era.

The brave people of the Ukraine have served as an inspiration for Poland during this troubled time. Like Poland's Solidarity labor movement, strikes and worker's demands for free unionism have also emerged in the Ukraine. Estonia, and federated Russia.

Mr. Speaker, on behalf of the people of the Eighth Congressional District of New Jersey and the people of New Jersey, I join in saluting the heroic Ukrainian people on the anniversary of this important day in their lives. May it serve as a hope for all Ukrainians to maintain in their hearts, that with God's help, their self-destiny as a nation may once again become a reality.●

● Mr. **FARY**. Mr. Speaker, today the Ukraine is a captive nation. We often use the phrase "Captive Nation," just as we speak of the "Iron Curtain," without thinking about what it really means. The images brought to mind by these phrases can give us an idea what it must be like to be a Ukrainian today.

If, by the word "nation," we mean a homogenous group of people who speak the same language, have similar values and share a rich culture, and if we imagine all those people deprived of their human rights and imprisoned so to speak, just for being themselves, we begin to appreciate the implication of the phrase "Captive Nation."

The Ukrainians in this country know how that feels and they work to make us remember that their homeland has been held captive by the Soviet Union for many years now. I am sure that this has often been a frustrating and thankless endeavor. However, without forgetting their moral obligation to fight for freedom for the Ukraine, Ukrainians in this country have always been good friends and neighbors. They and immigrants from other captive nations have added to the richness and variety that is American by sharing their unique cultures and traditions with us.

I would like to think that we Americans have always been receptive to Ukrainian requests for help and support but I am sure that support is easier to come by since the apparent death of détente. The imposition of martial law, and suppression of freedoms in Poland is the most recent example of the Soviet Union's policy of violating the human rights of their neighbors as well as those of the captive nationalities living within their borders.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois and the people of Illinois I join in saluting the herioc Ukrainian people on the anniversary of this important day in their lives. May it serve as a hope for all Ukrainians to maintain in their hearts, that with God's help, their self-destiny as a nation may once again become a reality.●

● Mr. **FISH**. Mr. Speaker, January 22, 1982, marks the 64th anniversary of the declaration of independence from Russia by the Ukrainian nation which resulted from the Russian monarchy collapse of 1917.

Following the Bolshevik victory in 1920, a separate Ukrainian Republic was established with other national republics, all with theoretical rights of sovereignty, including a constitutional right to secede from the Soviet Union. These changes were nominal, as they only represented a move to appease the Ukrainians by the Soviet Government.

"Ethnic cultural autonomy" was supposedly granted to all ethnic minorities as a result of an "independent" Ukraine, which included Byelorussians, Jews, Poles, and Russians. this entitled them to a right and power to socio-cultural self-government, direct representation both in local and national government, and to strong financial support by the state for the preservation of their own languages and cultures.

It is only natural that a denial of these fundamental rights would inevitably lead the Ukrainians on a collision course with Moscow's centralizing instincts.

Poland's labor movement has served as incentive for the 50 million Ukrainians, as Kiev experienced a series of strikes in protest of higher work quotas and poor living conditions. Other cities seethed with worker discontent, under the watchful Kremlin eye.

Comprising 20 percent of the Soviet population, the Ukrainians are the most numerous of the non-Russian Soviet peoples. It is essential that we recognize the efforts of the fiercely independent people of the Ukraine, who have, and will continue to protest the bondage inflicted upon them by the Russian Government. It is with great hopes for freedom, justice, and self-determination that I join today in asserting Ukrainian consciouaness.●

● Mr. **HOLLENBECK**. Mr. Speaker, I rise to recognize the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic and direct my colleagues' attention to my remarks as they appeared in yesterday's Record. I want to thank the gentlemen from New York and Illinois for their thoughtfulness in arranging today's special order, and had I been aware that they were taking this action would have enthusiastically participated. Unfortunately, I received notification of this special order after my remarks in yesterday's Record had already been published.●

● Mr. **DWYER**. Mr. Speaker, as we rise today to commemorate the 64th anniversary of the establishment of an independent Ukraine, it is right that we look at the present situation in that republic and note that for the Ukrainian people, the independence born that fateful January day in 1918 has never ended.

Interrupted, yes, by the yoke of repressive Soviet rule, but just as defiantly, the drive for an independent Ukraine continues against all odds, forever steadfast.

There is perhaps no greater evidence of Ukrainian tenacity and vitality than in the hearts and minds of those members of the Ukrainian Helsinki Monitoring Group, all of whom have suffered imprisonment or exile for their bravery and conviction that promises made should be kept.

I have had the privilege of sponsoring a resolution paying tribute to the formation and endurance of this courageous group, and calling on the Soviet Union to end its harassment of the Ukrainian Helsinki monitors.

It is a well-known fact that the Soviet Union has not lived up to its Helsinki promises and, on the 64th anniversary of the Ukraine's all-too-brief period of independence, we must seize this opportunity and every other, to remind the oppressors of their duplicity.

The seemingly endless struggle for justice is sometimes frustrating, yet always worthwhile. We need only to look to the Ukrainian story and that of the Helsinki monitors for inspiration to never relent, until the liberty the Ukrainian people know and love becomes an enduring reality.●

● Mr. RINALDO. Mr. Speaker, the latest events in the Polish crisis have once again reminded us of the long, tragic history of czarist and Soviet Russian oppression of the people who have the misfortune to live along the periphery of Russia. The names of the captive people of first the Russian and now the Soviet Empire encompass people in Europe, like the Poles and Lithuanians and Turkic people across the Asian steppes like the Kazakhs and Tatars.

This week we commemorate the nation perhaps most experienced with the hand of Russian oppression: the Ukraine. Sixty-four years ago, amid the conflagration of the First World War and the collapse of the old czarist empire, the beacon of Ukrainian independence shone forth. Sadly, it had a brief life, as the Ukraine became one of the earliest victims of a new kind of Russian imperialism, Bolshevism.

Since then, the Ukraine has known as well as any nation the arbitrary, violent, and all too efficient hand of Russian communism. It suffered most grievously the force collectivization of 50 years ago, when Stalin's enslavement of the peasantry killed millions and sent countless others into the shivering hell of the still young Gulag Archipelago. Not content with his destruction of Ukrainian agriculture, which, hard as it may be to believe today, was once the breadbasket of Europe, Stalin intensified his war against the Ukraine. He abolished the independent Ukrainian Orthodox Church and tried to bury it in the Russian Orthodox faith. In 1946, he abolished the Uniate Church of Ukrainian Catholicism, and crudely forced its worshipers to adopt the Orthodox faith. Today, Ukrainian Catholics must practice their faith underground, in secret, just as did the early Christians in ancient Rome almost 2,000 years ago.

Not satisfied with denying Ukrainians their religion, the Soviet Russians have carried on and perfected tsarist cultural oppression. While the Ukrainian language has not been formally banned, there is constant, unyielding pressure to reduce it to a second-class, backward tongue. Ukrainian indigenous history has been ignored, and the benefits of russification glorified.

On this solemn occasion, we must bear witness to the Ukrainian Insurgent Army, an estimated 180,000 men who arose spontaneously in World War II to fight the Nazi invaders and then heroically continued their fight for freedom against their Soviet Russian invaders after 1945. It took the Russians more than 5 years to stamp out this movement for self determination.

On this occasion, we must also take note of the courageous members of the Ukrainian Helsinki Watch Group, who banded together in November 1976 to remind the Kremlin and the world outside of the Soviet "Union's" signature on the Helsinki accords. Of the 37 members, 36 have been arrested and imprisoned under unimaginable conditions of brutality, or exiled from the country.

Last year, there were reports of strikes in factories in the western Ukraine and in the Kiev region. If accurate, these protests would show there remains a flickering light of human dignity and conscience in the Ukraine. May it grow and spread, and end the long night of the Ukrainian people.●

● Ms. FERRARO. Mr. Speaker, January 22, 1918, commemorates an important and emotional day in Ukrainian history. It was on this day that the people of the Ukraine achieved their freedom and independence from their powerful neighbors. This freedom and independence, however, was short lived. By 1920 the Ukrainian independent state was crushed by a more powerful Soviet Government.

As Americans, we direct our attention to the plight of the Ukrainian people for several reasons. First, the Ukraine is the largest non-Russian nation both within the Soviet Union and all of Eastern Europe. Second, as Americans, most of us have not been subjected to harassment, arrest or persecution because of our personal beliefs. The United States has the right to question Soviet denial of fundamental freedoms to Ukrainian citizens under the 1975 Helsinki agreement. Third, after decades of occupation, the people of the Ukraine have maintained their strong love and desire for freedom and independence.

The Ukrainian people may only be strengthened by the continued attention of the free world leaders and press. Only when Soviet policies are revealed and repudiated by the rest of the civilized world, will these authorities make some concessions to humanitarian principles.

The recent events in Poland, as well as the intimidation of the members of the Ukrainian Helsinki Monitoring Group, have shown time and again Soviet brutalities in the treatment of the peoples whose homelands they have invaded. I, therefore, urge my colleagues to join with other freedom loving peoples throughout the world in support of the successful efforts of the Ukrainian people to resist russification policies. American support for Ukrainian independence is traditionally important and right.●

● Mr. FORD of Michigan. Mr. Speaker, I am proud to help mark the 64th anniversary of Ukrainian Independence Day, which we are celebrating at this time.

What the Afghans experienced on December 7, 1979, the Ukrainian nation suffered shortly after January 22, 1918. Alone and without aid from Western nations, the Ukrainian people waged a gallant struggle to defend the sovereignty of their country, but were ultimately overpowered by numerically stronger and better equipped armed forces. If Afghanistan, like the Ukraine, becomes yet another captive nation, its people can expect reprisals for any resistance to Soviet rule and the subversion and destruction of their heritage as a free country.

I take this opportunity to mention one of the great Ukrainians of our day. I speak of Mykola Danylovych Rudenko who was the founder of the Ukrainian Public Group to Promote Observance of the Helsinki accords. Mr. Rudenko formed this monitoring group in November 1976, and a year later, after police searches and harassment, he was arrested. Rudenko was sentenced at a closed trial on July 1, 1977, to 7 years in strict regimen labor camps followed by 5 years of internal exile under article 62 of the Ukrainian Criminal Code, anti-Soviet agitation and propaganda. He is in extremely poor health. Although the Soviets signed the Final Act at Helsinki, the human rights provisions of the Final Act have never—not even for 1 day—been observed in the Ukraine.

At this time when the right to national self-determination is being threatened in other areas of the world, we will not forget the Ukrainian struggle of 64 years ago, or overlook the ongoing question of the Ukrainian people. I pay tribute to them and to their never ending goals of freedom, human rights, and independence.●

● Mr. MINISH. Mr. Speaker, I would like to take time to join my colleagues on the floor of the House to commemorate the 64th anniversary of the Proclamation of Independence of the Ukraine National Republic.

We know that the cherished freedoms brought about by the Ukrainian Independence were unfortunately short lived. Soviet troops soon annexed this land as part of the U.S.S.R. Since that time, the courageous Ukrainian people have been forced to live under Soviet domination. This is the largest non-Russian nation in Eastern Europe which is held captive. Ukrainians look to the United States where we can be very proud of the freedoms that we enjoy and we know that others in the world consider us both an example and an inspiration.

At this very moment we are all too painfully aware of the Soviet presence in Poland and the manner in which this powerful country is attempting, but not wholly achieving, the subordination of the Poles. With this current reminder of Soviet aggression, let us be ever more vigilent in our monitoring of basic freedoms.

Mr. Speaker, I commend the Ukrainian people for their struggle against the domination of the Soviet Union and fervently hope that one day this will not be the case.●

● Mr. FORSYTHE. Mr. Speaker, in the six decades since 1917, the free world has repeatedly witnessed the Soviet Union exert its bear hug over the rights and national aspirations of its neighbors. In few instances have these grabs for domination been successfully resisted. And, in no instance has Soviet oppression been so brutally evident as in the 1921 Ukrainian takeover.

This past Friday, January 22, was the 64th anniversary of the declaration of independence in the Ukraine. Though short-lived following that declaration, Ukrainian independence has survived as an ideal in the hearts of people the world over. Despite an unremitting propaganda campaign, the Stalinist purges, and an atmosphere of terror, these nationalistic ambitions are nowhere stronger than in the Ukraine itself.

Ukrainians have added enormously to the cultural richness and variety of the western world. In considering these vast contributions, however, we cannot help but gage the unrealized contributions of Ukrainians who did not survive Russia's barbarism. In this light, it is all of us, not only the Ukrainians, who have been deprived. And, it is all of us who should look to a day when all people, as citizens of independent nations, can make their contributions to mankind.

As we mark this anniversary in Ukrainian history, and recognize the hopes that live today, we should neither overlook the lessons of the past, nor forget the aspirations of the future. While the Soviets have been able to dominate the Ukraine, they will never be able to rule its people's hopes for freedom.●

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BAILEY) is recognized for 10 minutes.

[Mr. BAILEY of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

INVESTMENTS IN INDUSTRIAL ENERGY PRODUCTIVITY: EXTENSION OF THE BUSINESS ENERGY TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYDEN) is recognized for 15 minutes.

● Mr. WYDEN. Mr. Speaker, we are witness to an era when energy costs are quickly becoming more than simple additional "pass along" costs of production. They are the fastest-rising part of many firms' cost structures, crowding profit margins and eating away at their competitive positions within industry.

Cost-effective investments in increased energy productivity are difficult for industry to make when, today, many American industries have trouble accumulating sufficient capital to satisfy their primary objective: Maintaining adequate and productive capacity available to serve their market.

When industry must pass over investments in equipment, such as that for cogeneration, which utilizes energy that is otherwise wasted, our economy suffers and our reliance on imported oil remains.

For these reasons, today I am introducing a bill to preserve the existing 10 percent tax credit for business investments in conservation and alternative energy systems. This tax credit's goal is to further our shift away from dependence on foreign oil by encouraging business firms to purchase cogeneration equipment, boilers and burners that use fuels other than oil and natural gas, and conservation equipment.

Under tax credit, under provisions of the Windfall Profit Tax Act, is scheduled to expire December 31, 1982. To let this credit expire, Mr. Speaker, would be to turn our backs on a most cost-effective means of producing energy at costs far below those of conventional new sources of energy from oil and gas.

The extension of this tax credit will take advantage of the potentially important and beneficial role of cogeneration, biomass and coal in our Nation's energy future, by further facilitating the transition from an energy economy based on cheap, abundant supplies of oil—over 40 percent of which is imported—and natural gas to one in which the use of scarce and imported fuels is restrained and increasing use is made of coal and other domestic energy sources, as well as energy conservation.

This business investment incentive also makes a modest but effective contribution to the attainment of our Nation's most important goal: To put our economy on sound footing through investments in new plant and equipment, creating new jobs and enhancing our Nation's competitiveness in the international marketplace.

I can think of no better path to follow to this end than one that will stimulate capital investments in energy-efficient production while reducing future energy-related operating costs, positioning our industry in better financial condition with respect to retained earnings for new investments in modernization and expansion.

As Government can do no more harm to business investments than to create uncertainty, I hope my colleagues will support passage of an extension of this investment tax credit in order that it is consistent with today's investment planning horizons.

Perhaps no other industry better illustrates the case for extending the business energy investment credit than the forest products industry. Though admittedly an industry close to my heart, I believe it aptly illustrates both the need for investments in expansion and modernization to compete in the international marketplace and the potential energy efficiency gains to be made.

In 1981, the increase in U.S. paper companies spending for new plant and equipment was essentially flat, at $7 billion. There are three principal reasons: High interest rates, reduced cash flows, and uncertainty over the President's tax program. Canadian companies, on the other hand, boosted investment outlays by 42 percent to $2 billion in 1981.

Extending the tax credit will not solve our high interest rates, but it will eliminate any uncertainties surrounding the availability of the tax credit for plant expansion, replacement or modernization investments—investments that typically occur on a 4- to 5-year planning basis.

On the energy efficiency side, from an international perspective, the true potential for efficiency gains are compelling. The average U.S. mill, for example, consumes 30 to 50 percent more process heat than its Scandinavian counterpart. The average integrated paper mill in Scandinavia is about 80 percent energy self-sufficient, while a U.S. mill is normally not more than 50 percent self-sufficient. Thus, the average U.S. mill buys 2.5 times more energy than Scandinavian experience has shown to be necessary.

The necessity of reducing energy usage and costs will dominate many capital spending decisions in the years ahead, and it is not confined to the forest products industry. Industry is eager to back out oil and gas consumption and to increase plant efficiencies. All too often the missing ingredient is the incremental capital to invest toward those goals.

The business energy investment credit provides this ingredient. One need only consider the increasing use of the credit as evidence of this. In 1979 over $1 billion in energy investments qualified for the alternate energy tax credit, costing the Treasury $100 million. Based on Treasury Department projections, the magnitude of qualifying energy investments in future years will vastly exceed the 1979 figures.

This loss of tax revenues is a small price to pay when one considers the over $3 billion in lost tax revenues from the oil and gas depletion allowances and intangible drilling cost deductions or the $1 billion per year we spend on nuclear energy research, uranium enrichment services, and nuclear industry regulation.

By acting responsibly and swiftly in eliminating the 1982 deadline on this credit, Congress will demonstrate its commitment to energy independence and new plant investment.●

THE COLD FACT ABOUT AUTOMATIC TELLER MACHINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, those of us who follow banking trends have noted the explosion of automated banking procedures over the last few years. There has been a virtual revolution in the way people can conduct their most standard banking transactions. It is now possible to deposit your paycheck, pay your bills, transfer funds from checking to savings and contribute to your retirement fund without ever having to put pen to paper or seeing the inside of a bank.

Perhaps the kingpin of this electronic banking age is the automatic teller machine or ATM. The amazing ATM can take your money, make payments on your loans, disperse cash to you in various denominations, and still hope that you have a nice day.

It has been predicted that the growth in ATM's will skyrocket as people become accustomed to their convenience, speed, and accessible business hours. But before anyone rushes out and purchases stock in companies which manufacture these wonders, I would like to call attention to a recent Merit Report survey. It seems that a whopping 89 percent of those people surveyed still prefer the personal touch of a real live bank teller to a machine when given the choice.

So while it may seem that you can conduct your banking business faster, and do it at most any time of the day with the aid of an ATM, the hard truth is that people still find comfort in those two little words, "next please."●

IS NATO DEAD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise because during the interim period that we were in the district, events shaped that have, of course, agitated the headlines of the newspapers with respect to Poland, but also corollary issues that I believe have reached the point of crisis, I have stated back home reflecting the action that I took in addressing myself by way of two letters, one to the chairman of the Foreign Affairs Committee of the House of Representatives, the Honorable Clement Zablocki, and the other to the chairman of the Armed Services Committee of the House of Representatives, Mr. Melvin Price.

The reason is that I am extremely concerned at the failure of our country to address itself to the absolute need now of the shaping and molding of consistent and coherent policy, both on a short-term basis as well as a long-term basis, with respect to Europe. There is no question in my mind that the developments in Poland and all anchor down a fear that I have entertained now for some time that NATO, such as was devised at the same time that such other programs as Bretton Woods in the international finance sector was devised, is dead.

In my opinion, NATO to all intents and practical purposes is dead. We have got to shape policy that addresses itself to the utmost concern that I have entertained now for some time, and that is the safety and the well-being, for example, of 300,000 Americans that are in Germany alone, in Europe, where I feel that the continuing situation unaddressed is a constant threat to their well-being, safety, and stability, and also to reexamine our role.

Obviously, the manifestations in Europe should be troubling to us for they indicate that there is more concern about our presence and that our troops are looked upon not as defense troops but troops of occupation, without a comparable fear to the reason why our troops are there to begin with, which is to insure European protection. But there seems to be more concern about American presence than Russian threat. Yet one-half of our defense budget or better, $106 billion-plus, is being dedicated by the American taxpayers for the purposes of the defense of Europe.

So for that reason I have written these two letters to these two chairmen, asking them to revise fundamentally the question of policy, since there is no question in my mind that up to now the administration is in disorder in this respect. We are ending up ironically in starving the Poles and feeding the Russians, and this with all of the best intentions of an administration that seems to want to persist in the indulgence of the illusion that we still can continue with things as usual, as customary, since 1945.

Mr. Speaker, I ask unanimous consent I may be permitted to insert in the Record copies of both of those letters; as well as remarks that I addressed to the local chapter in San Antonio, Tex., of the Reserve Officers Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(The material follows:)

House of Representatives,
Washington, D.C., January 7, 1982.

Hon. Clement J. Zablocki,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, D.C.

Dear Clem: I know that you have watched the tragic events in Poland with the same dismay that I have. The developments there have clearly unmasked fundamental weaknessess and contradictions in our whole European policy. It is, I believe, essential that the Congress, through your Committee, review the whole situation in Europe and work to construct a new and effective policy.

The actions to crush Solidarity should not have come as a surprise to our government, after earlier experiences in Poland and elsewhere. Only the agents of repression are different this time: Polish troops rather than Russian. As for the United States, our government month after month did nothing effective to support the Polish economy nor provide any other kind of practical assistance that might have strengthened the process of freedom that was beginning to develop. In fact, throughout the last year, our government made practically no mention of Poland, let alone provide any leadership to encourage what was the most hopeful struggle against repression in all of the world. What is more, after the ax fell, the Administration seemed wholly unprepared to respond. Nor were our European allies prepared to join in any response. The whole experience bespeaks an inability to grasp opportunity, to exercise forethought or leadership, or to do anything more than engage in a kind of futile and sporadic cheerleading.

With respect to Europe itself, it is ironic that no government there is willing to join in any kind of effective action to impose sanctions against Poland or the Soviet Union. This reveals NATO, itself, as a hollow shell, rendered without credibility both by its relative weakness and by the tired cynicism of European powers themselves. Chancellor Schmidt plainly displayed this in his comments published in the January 3, New York Times. He did not see the situation in Poland as a crisis: "not a crisis at all." He thought that economic sanctions would not be of much practical effect, "but, of course, psychologically, politically, they will have great effect in Moscow." And then: "But we would find it very difficult ourselves to apply sanctions against Poland."

Chancellor Schmidt, in discussing the presence of American forces, called upon us to understand why his countrymen demonstrate against U.S. forces, and then with tired cynicism commented that the United States would not reduce it forces in Europe: "Such discussions (of a troop withdrawal) come and go and come and go. You would abdicate from your leadership role in the Western world and I think the political elites in the U.S. will always be sober enough not really to consider such a fatal move."

In short, on both sides of the Atlantic there is a fatalistic, unthinking mentality, the same kind of mentality that led to the great and tragic wars of this century. Europe wants only to be left alone; somehow it will either not be invaded or will find an accommodation; and somehow the United States will prevent any ultimate tragedy from taking place. As for the United States, we are unable to create a design that will either draw Europe out of its inward-directed preoccupations or cause its powers even to live up to their NATO force level commitments. Our own forces are resented, but the great powers of Europe will not provide adequate forces of their own; the United States spends more than all our allies combined on defense, and we spend more of our gross national product on defense. No matter how you measure the level of effort, our commitment is not matched. In not one of the last three years have our allies on the whole met their commitments to improve NATO forces. In fact, Germany will this year actually lessen its efforts.

These are times of profound importance. The leadership of the Soviet Union is aging and uncertain. The grand design of European defense is faltering. Our allies are querulous and timid. Our own leadership is preoccupied with domestic affairs and internal personality conflicts. I urge that your Committee undertake a review of the whole strategic and political situation in Europe, and how the United States should respond to it. More is at stake than our relations with Europe itself—as is suggested by the confusion that marks our relations with the Soviet Union itself: our arms buildup against Russian power, combined with our vastly expanding trade with the Soviet Union, reveals a fundamental contradiction in the assessment of Russian intentions, and what our role should be toward that power. Our country cannot afford its continued drifting, its continued lack of initiative, nor its abandonment of genuine leadership. Your Committee can do much to overcome this dangerous drift, and it is the only body of the Congress that is properly equipped to do what must be done. I know that you will respond to this challenge, and assure you of my support.

With best wishes, I am,

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 7, 1982.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, 2120 Rayburn House Office Building, Washington, D.C.

DEAR MEL: I am intensely concerned about the living and working conditions of United States troops in Europe. Moreover, I am distressed that our allies, whose security is assured by those troops, do so little to provide support for them.

I know that you are personally aware of the abysmal facilities that our European forces live and work in. I know that you are aware that Germany, for example, feels that it owes little to the support of American troops, except for providing the land that they use. It may be natural that German expenditures go first to the benefit of the German Army, but it is more than a little ironic that our own forces must live in and use facilities captured and left unimproved since the days of the Wehrmacht.

Your Committee has made numerous efforts to encourage European powers to provide decent support to our troops, and you have likewise undertaken to authorize use of American funds to provide necessary facilities. For various reasons, those commendable efforts sometimes have been frustrated. I urge that you continue to work with all possible effort to insure that our troops are provided decent and affordable living conditions, and that their working facilities be adequate for the equipment they must maintain, and the climatic conditions within which they must work. It is simply intolerable that a multimillion dollar tank must be washed with a garden hose and maintained in a mudhole, or troops live in cold and leaky barracks.

I believe that your Committee should review the adequacy of the commitment our allies have made to NATO. Our allies do not expend anything like the proportion of national wealth that we do on defense, even though half of our total effort is dedicated to the security of Europe, alone. Our allies are not meeting their commitments to enhance the capability of their own forces, and have not done so for any one of the past three years. That lack of commitment is reflected, not just in the lack of effort our allies put into their own defense, but in their unwillingness to follow American leadership or provide any credible alternative of their own. I do not believe that we should rest with the comfortable assumption that recent, large scale antinuclear demonstrations in various European countries was simply an expression of concern about nuclear war: fundamentally they were demonstrations against American power, American policy, and the presence of American forces.

Unless our allies repair the fabric of NATO, we should reassess our own position. I do not for a moment believe that the kidnapping of our top commander in Italy reflects any significant opinion there—but I am deeply concerned that our allies have made no expression of outrage about the incident. I am even more concerned that NATO seems more preoccupied with penalizing its own member, Turkey, for its military coup than confronting Poland with similar rage. I fear that the gradual, and now clear, loss of coherent and unified will, might one day result in the embarrassing ejection of our forces from Europe.

Questions of foreign policy are of course beyond the scope of your Committee jurisdiction. But American forces both affect and are affected by our foreign policy. I believe that you can review the adequacy of the commitment our allies have toward NATO, and that you can move to insure that our troops live and work in the conditions that we want and expect, and that they are not committed to a meaningless role, that they are not exposed to a hopeless mission, and that they will enjoy a real level of support from our allies. They are not, after all, forces of occupation, but troops committed to mutual security. The question in my mind is how mutual that commitment is.

You have provided real leadership, and it has made a lasting impact. Our concerns are mutual, and I urge that you, through your Committee, continue to assess the proper role of our forces committed to NATO, and to evaluate ways and means to either obtain the support they ought to have, or modify their mission.

With best wishes, I am,

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

REMARKS OF HENRY B. GONZALEZ, RESERVE OFFICERS ASSOCIATION, SAN ANTONIO, TEX., JANUARY 20, 1982

Seems to be for some time now the universal feeling that the world exists on the thin edge of Armageddon. Everyone knows that not only do the superpowers possess the ultimate means of destuction—but that smaller powers, less stable powers—are also coming to possess the ability to build and use nuclear weapons. The variables in the equation of violence keep growing, and threaten to further destabilize a spinning top that is already wobbling on its axis. That is part of the danger we face: the power we and our principal antagonists have in our hands, and the growing power in the hands of lesser known antgonists—who nevertheless, like that forgotten Balkan land of so long ago, can bring the whole world down into a storm of violence.

Everyone knows, too, that Poland has taught us once more of the limits of our own power. No matter how much we have invested in placing our troops in Europe, no matter that half our defense budget goes for the defense of Europe, we would have been hopelessly overmatched in any effort to intervene in Poland. Not only that: far more ominously, we know that our allies will not even support us in any kind of meaningful trade sanctions. We have granted a sphere of influence in Poland, and no matter how we might like to call it otherwise, neither we nor our allies are prepared to change the status quo there.

Finally, everyone nows that we are engaged in a buildup of military forces that will cost a trillion and a half dollars long before this decade ever ends. There are no words that will describe the vastness of this buildup, nor are there powers of the imagination that can picture the forces that will be placed in the hands of our soldiers, airmen and sailors through this buildup.

We are living in a world in which the ultimate power—nuclear war—is not survivable. The paradox and dilemma is that we are not certain what our conventional forces can do—or even what they should be called on to do. We are in the midst of a time when serious, basic, fundamental questions have to be asked—lest we find ourselves attempting the impossible or fooled into risking the unnecessary.

This is axiomatic: military forces are not an end unto themselves. Military forces cannot be built for the sake of having forces. Military power is not an end in itself—but rather an instrument of national policy.

If national policy is one thing and military forces are tailored for another, then both policy and forces are wrong and dangerous. If our policy makes one commitment, but our forces cannot insure that commitment, then we have no ability to carry our that policy or defend it against antagonists. By the same token, if we have power but no policy at all, then we have no way of even guessing whether the power is adequate or appropriate to whatever policy we evolve.

If we have interests that we aim to protect, and policies that we aim to support, military power is a necessity. There can never be any question of that. But in devising our military forces, we have to be certain that the forces fit the policies—for if they don't, neither the policy nor the military forces will be realistic, neither will be able to accomplish its hoped-for end—which is the preservation of our nation and the protection of our fundamental interests.

The question we face today is not just one of building unprecedented military power. The question is how that power fits into policy. Ultimately, it is the question of just what our national interests really are. Are our forces in Europe fulfilling our policy, protecting our basic national interests, or are they in fact hostage to other powers, other interests', are they really essential, or are the impediments to our own goals? We have not examined fundamental policy in Europe for many decades—but the world has changed immensely in that time. Do our policies—and hence our forces—really reflect what is needed today, really protect what must be protected, really promote the peace that must be preserved, if the planet is to survive at all?

Our friends in Europe presume that our forces are going to be there, no matter what. They feel that they can afford to go their own way—to dissasociate from the United States politically, even economically, because our military power is still going to be there, present to protect them—and the status quo. They presume that we have no choice but to remain with three hundred thousand troops, a good part of our air force, and most all our national commitment—all to preserve the status quo, the more or less balanced interests that finally settled out of the postwar period. But we have to ask: is that really so? If our allies feel free to dissasociate from us, doesn't that mean there is a divergence in basic interests? Doesn't that mean the status quo is something for them—but not necessarily ourselves—to protect?

No matter how we look at history, the fact emerges that the United States and the Soviet Union have not been at war with one another. We have contested through surrogates; we have struggled against mutual ambitions—but we have not gone to war. Whatever the reason may be, the Russians have not invaded Alaska, any more than we have invaded Cuba.

We have not sought to match the Russians, man for man and tank for tank in Europe, and why? Because even though we might hope to preserve the status quo, it is not fundamentally our aim to invade their country, any more than it is in their interest to invade our own.

I do not say that we should trust the Russians. I do not say that we need not fear them. But the fact is that our policy is confused, and our military therefore is given missions that are not clearly defined—and therefore missions that they can neither know nor well prepare for.

If we have a great military threat facing us, it makes no sense that the United States would sell 28 million tons of grain to Russia a year—as we are now. It makes no sense that we would encourage the growth of ever-more sophisticated trade. Those are actions—economic actions—that strengthen the Russian nation, even as we are arming ourselves to match their power. Our economic policy we are following reflects a judgment that our basic interest is one thing—while the military policy shows a judgment that is completely opposite.

If it is true that our basic interest lies in negotiation rather than confrontation, then we ought to have a policy that is coherent—a policy that says, let us negotiate, and let us be realistic about it. If you cooperate, you will find us responsive. If you do not match your promises with performances, you will find that we will not negotiate. It makes sense to link one policy with another. If we aim to follow a policy of confrontation, then it makes no sense to carry on trade and negotiation, as if none of those three things is related to the rest. Likewise, if we aim to carry on negotiations, it makes no sense to fail to link our other policies with that basic decision.

If we examine our most fundamental, our most basic national interests, we might well find that our military commitments do not match those interests. It is *our* power behind which Europe builds its economic base—for we protect their status quo. It is possible—and we have to think this way—that Europe could do more on its own and for itself. We might well find that we could use that same money and those same resources to protect something that is more basic to ourselves—say our access to oil and vital raw materials. And we have to ask ourselves even such heretical questions as whether or not we could reduce tension in Europe by removing at least some of our forces there—possibly even convincing the Russians to reduce their own forces.

We have to ask ourselves just where our most basic interests are—just how to protect them and just how to project those interests. No one else will do that for us. No one else will carry that burden for us.

We have to ask ourselves whether or not our policy is coherent. Does what we do make sense in terms of what we say? Does our policy reflect the real world, or are we prisoner to some dream, even some past that is only a shadow? Are we wasting efforts—fooling ourselves?

World leaders are of necessity frightened people—and should be, because the price of misunderstanding and miscalculation is absolute doom. Now that almost four decades have elapsed since the evolution of the superpowers, now that missiles and computers command the destiny of the planet, and now that old rivalries have risen again, in the ashes of alliances, maybe it is time to reassess where we are and what we are doing. We cannot be too careful—but we dare not let our determination to survive stand in the way of our clear thinking about the best way to survive. We cannot let our guard down—but neither can we afford to build and maintain a guard against threats that are not real. We cannot prevent day from dawning nor sun from setting—but we cannot fail to see that different time demand different responses. And I wonder if the time has not come for us to see if time has not robbed some of our policies of their real integrity. If not, why then do we see our forces' calls for assistance, for cooperation, rejected almost out of hand? And why do we see European leaders—on our own soil—blandly saying that of course there is no choice but for the Americans to maintain their force in Europe? Maybe in fact we do have a choice. Maybe in fact our interests have changed. Maybe in fact our forces could better be used to protect more fundamental interests . . . but we will never know unless we challenge our own assumptions.

It is axiomatic that military power is not an end in itself. Military power has to reflect clear national policy. As things stand today, we must recognize that our national policy is not clear, anywhere in the world—which is why our forces have been entangled in hopeless causes, why our soldiers even today are faced with confusion and revulsion in Europe, and why we ourselves are not certain what we need to deal with the world—for we do not know what it is we are to deal with. Our vision has to be clear—our motives plain—and our forces adequate. The first thing we have to do is look carefully and see clearly, lest we be on guard in the wrong place against the wrong threat and at the wrong time. And no one will see for us—nor can we ever rest with comfortable assumptions—because it is in the wrong assumptions that history's mistakes are made. In this world, we have to be right the first time.

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PILOT DON USHER AND PARAMEDIC GENE WINDSOR COMMENDED FOR THEIR COURAGE

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, on the afternoon of Wednesday, January 13, I watched television coverage of the tragic Air Florida crash. When I saw the clips of the National Park Service helicopter *Eagle I* it was obvious that the pilot was operating his craft at a considerable threat to his own life. When I saw the paramedic step out onto the skid and reach down to pull an exhausted survivor into the helicopter, I felt like cheering.

Mr. Speaker, the pilot was Don Usher and the paramedic was Gene Windsor. They have received much acclaim. Their response is to say they were just doing their jobs. I would like to take this opportunity to again commend them for their courage and for their devotion to others. There actions were in the finest tradition of the Park Service.

Mr. Speaker, I would like to insert the letters I sent to Messrs. Usher and Windsor at this point for the Record:

Committee on Appropriations,
Washington, D.C., January 20, 1982.
Mr. Gene Windsor,
Washington, D.C.

Dear Mr. Windsor: I was watching television coverage Wednesday afternoon of the Air Florida rescue efforts. When I saw pictures of you stepping down to the skid in order to reach down and pull up a survivor I felt like applauding. Your disregard for your own personal safety in order to save the life of another was inspiring. I want to commend you for your personal courage and for the concern you showed for the life of others.

Your actions were a credit to you as an individual and as an employee of the National Park Service. I have often said that the people who actually staff the parks and who do the work are of exceptional quality and ability. Your actions Wednesday increased my admiration for those traits immeasurably. I will cite the actions of yourself and Mr. Usher as examples of the valuable service provided by Federal employees. I am proud to be associated with individuals such as yourself who form the strong backbone of the National Park Service.

Again, I want to commend you for your courage and devotion to others.

With warm personal regards.

Sincerely,
Sidney R. Yates,
Chairman, Subcommittee on Interior and Related Agencies.

Committee on Appropriations,
Washington, D.C., January 20, 1982.
Mr. Don Usher,
Washington, D.C.

Dear Mr. Usher: While watching television coverage Wednesday afternoon of efforts being made to rescue survivors of the plane crash I was thrilled by your skillful handling of the Park Police helicopter. It was obvious that continued efforts to rescue people was at considerable risk to your own life. I want to commend you for showing such concern. Your actions were a credit to you as an individual and as an employee of the National Park Service. I have long said that the people in the Service who actually staff the parks and do the work are of exceptional quality and ability. Your actions Wednesday increased my admiration immeasurably. I will cite your actions and those of Mr. Windsor as examples of the valuable service provided by Federal employees. I am proud to be associated with individuals such as yourself who form the strong backbone of the National Park Service.

Again, I wish to commend you for your courage and devotion to others.

With warm personal regards.

Sincerely,
Sidney R. Yates,
Chairman, Subcommittee on Interior and Related Agencies.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Coelho) is recognized for 5 minutes.

[Mr. COELHO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AMERICAN LEGION DISTINGUISHED ACHIEVEMENT AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, distinguished colleagues, and all who read this RECORD, it is my pleasure to commend to your attention an outstanding young lady who I am proud to have as a resident of the 14th Congressional District of Florida, which I represent in Congress, Miss Maria Koch.

Miss Koch, daughter of Fred and Sarah Koch of Coral Gables, Fla., recently received fitting and well-deserved recognition for her outstanding achievements and contributions to her community. She was awarded the American Legion Distinguished Achievement Award by the American Legion Post 98. This award was presented in recognition of Miss Koch's having earlier received the American Legion School Award and particularly for possessing those qualities of courage, honor, leadership, patriotism, scholarship, and service which are necessary to the preservation and protection of the fundamental institutions of our Government and the advancement of society.

Miss Koch, who is currently enrolled in Our Lady of Lourdes Academy, represents all that is finest in our Nation's youth and serves as an example to all of us of the personal characteristics that make people and a nation great.●

U.S. INTERESTS JEOPARDIZED BY LAW OF THE SEA TREATY

(Mr. HARTNETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARTNETT. Mr. Speaker, my good friend and colleague JACK FIELDS has committed himself to stimulating discussion on the past and current negotiations surrounding the so-called Law of the Sea Treaty. I am pleased to place in the RECORD excerpts of a recent article upon that important subject.

U.S. INTERESTS JEOPARDIZED BY LAW OF THE SEA TREATY

(By Peter Keisler)

Most of the American people don't care very much about mineral resource regulation, about seabed mining, or about manganese nodules on the ocean floor. It is therefore unsurprising that the proposed Law of the Sea Treaty has attracted such scant public interest.

On the other hand, there are a great many people who care about the resource war between the United States and the Soviet Union, about the growth of American industry, about the principles of free enterprise, and about the increasingly shrill Third World demands for massive transfers of wealth from the developed nations to the underdeveloped ones. All such people ought to care a great deal about the proposed Law of the Sea Treaty.

It's a technical subject, and the debate has therefore taken place mostly within the government. But no expertise is required to understand that acceptance of this treaty would mean our losing the resources of two-thirds of the earth's submerged lands without firing a shot.

At the crux of the dispute are the mineral resources at the bottom of the ocean, nodules rich in manganese, cobalt, nickel and copper. These resources are vital; we cannot produce a single jet engine without cobalt, nor a single ton of steel without manganese. Yet we are 96 percent dependent on external sources for manganese, 98 percent dependent for cobalt, and we are dependent on land-based sources that for varied reasons are unreliable. Current land producers may exhaust all known land-based supplies of these minerals within 80 years. We have an obvious interest in reducing our dependency on foreign producers. The importance of these ocean nodules and our desire for unrestricted access become clear.

Equally clear is the nature of the opposition to our attaining mineral resource independence through seabed mining. The Soviet Union is itself rich in those strategic minerals found in the oceans; restricting access to the ocean floor has a much more profound effect on our vulnerability than on theirs. Third World nations, in addition to desiring control of more resources, are interested in protecting Third World land-based minerals suppliers from American competition.

Participants in the debate universally agree that the resources of the ocean are "the common heritage of mankind." They disagree on the implications that follow. The United States has always interpreted this to mean that all have free access to development of ocean minerals, and that no one country or group of countries can claim prior ownership or control. This has been the governing doctrine, and anyone capable of mining has been able to do so.

To the Third World, however, "common heritage" means not "no ownership," but "shared ownership," each country having part control. From this interpretation flows the terms of a treaty designed to assert the prerogatives shared ownership implies.

The treaty goes way beyond the traditional sea issues, such as navigation and territorial definition. It creates a world bureaucracy to bring central economic planning to a new level. The voluntary contributions which have characterized U.S. aid to undeveloped nations would be replaced by compulsory wealth transfer to those who assert that such transfers are not gifts, but theirs by right.

Anyone who has ever been concerned at the direction the United Nations has taken should be infinitely more concerned about this treaty. The U.N. can do little more than pass impotent resolutions; the International Seabed Authority would be a U.N. with power.

Unlike at the United Nations, the United States would have no veto. There would be a Supreme Assembly—containing as many members as there are states party to the treaty—run on the one-nation, one-vote principle the President rejected at Cancun. The Assembly would be responsible for setting general policy.

The real power would lie in the Executive Council, composed of delegates from 36 states. The Council would deal with specific policy, including action on applications for seabed mining. Of these 36 key votes, the Soviet Union is guaranteed three—one for itself and two from other Soviet bloc states. The United States is not guaranteed a seat at all.

Any company wishing to begin seabed mining would first need the approval of the Council.

American companies would be required to transfer the sophisticated mining technology they have invented and developed to the Seabed Authority for common use. Without making such a transfer, no company would be awarded a single contract.

The Authority would be funded by heavy taxes on mines to which it awards contracts, ranging from $527 million to $1.3 billion, depending on the site's profitability.

An anti-monopoly provision would limit the number of mine sites that any one country could use—a provision whose effect would only be felt by the United States.

The treaty provides for the participation of "liberation groups." SWAPO and the PLO would have voting delegates, perhaps seats not guaranteed to us on the all-important Council.

A supernational mining company, ironically named The Enterprise, would be formed and given advantages over private miners.

The Authority would be able to amend its provisions in any way it sees fit after two decades, and our signature on the treaty guarantees our compliance with whatever changes are made.

Those who are anxious about the lack of American influence in the structure that would emerge will be comforted to hear of the one area in which there will be weighted representation. Each country's financial contribution to the Authority will be proportionate to its contribution to the upkeep of the United Nations. The United States, therefore, will be contributing the most—$125 million a year.

It is quite a treaty.

Some who are urging the President to sign have been doing so on the grounds that the sections on navigation are favorable enough to outweigh the remainder of the treaty. No less an authority than John Lehman, secretary of the Navy, said recently, "Our evaluation does not support this conclusion. In fact, from the point of view of our security interests, we must not only evaluate the navigation provisions . . . but the rules proposed for seabed mining as well."

Lobbying hardest for the treaty is Elliot Richardson, who negotiated it. Rep. Jack Fields, the Texas GOP freshman who has been outspoken in his opposition to the Draft Convention, tells of meeting Richardson and the other delegates at a reception in Geneva.

When Fields explained his concerns to the delegate from Peru, the delegate responded, "I don't care what you think. I don't care whether the Senate advises and consents to the treaty. I don't care whether the House passes implementing legislation. I just want your President to sign it."

At the same reception, Richardson told Fields that the congressman didn't understand the "big picture" and made the remarkable assertion that American industry supported the treaty. Richardson promised the congressman that he would have "mining companies camp at your doorstep" to demonstrate their support. So far, Rep. Field's doorstep has been bare.

These delegates are deadly serious. A very recent telegram from our embassy in Jamaica reported to the State Department that work will soon begin on an enormous conference center in Kingston (at a cost of $8 million) to house the International Seabed Authority.

President Reagan ordered an interagency review of the Draft Convention, a review which has just been completed. The final report has not been made public, but this much is known: while it presents several possible options, it does not include as one such option signing the treaty as is.

Nevertheless, if the President orders a renegotiation which makes cosmetic changes while maintaining the basic assumptions of the Draft Convention, no victory will have been won. The treaty is based on dangerous assumptions, and any new treaty incorporating the same assumptions would be equally unacceptable.

This treaty would destroy the American seabed mining industry. It would seriously jeopardize our national security by cutting off our access to strategically vital minerals. It would provide a strong impetus for other such treaties, such as one recently put forward by the United Nations to deal with space exploration. The treaty is radically opposed to every principle of free enterprise, decentralization and self-development that this Administration has ever enunciated. It deserves to be torpedoed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Peyser) to revise and extend their remarks and include extraneous material:)

Mr. Bailey of Pennsylvania, for 15 minutes, January 27, 1982.

(The following Members (at the request of Mr. Courter) to revise and extend their remarks and include extraneous material:)

Mr. Derwinski, for 30 minutes, today.

Mr. Rudd, for 60 minutes, on February 3.

(The following Members (at the request of Mr. Peyser) to revise and extend their remarks and include extraneous material:)

Mr. Wyden, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Coelho, for 5 minutes, today.

Mr. Pepper, for 5 minutes, today.

Mr. Conyers, for 60 minutes, on January 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Courter) and to include extraneous matter:)

Mr. Corcoran in two instances.

Mr. Gingrich.

Mr. Frenzel.

Mrs. Roukema.

Mr. Broomfield.

Mr. Dornan of California.

Mr. Rudd in two instances.

Mr. Shumway.

Mr. Ritter.

Mr. Derwinski in three instances.

(The following Members (at the request of Mr. Peyser) and to include extraneous matter:)

Mr. de la Garza in five instances.

Mr. Peyser.

Mr. LaFalce.

Mr. Frank.

Mr. Hamilton in 10 instances.

Mr. Crockett.

Mr. Foglietta in two instances.

Mr. Gore.

Mr. Jones of North Carolina.

Mr. Weiss.

Mr. Edwards of California in five instances.

Mr. Schumer.

Mrs. Schroeder.

Mr. Smith of Iowa in six instances.

Mr. Fascell in two instances.

Mr. Barnard.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, January 25, 1982, the Chair declares the House in recess until approximately 8:40 p.m.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 244 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Malloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as Members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. Wright); the gentleman from Washington (Mr. Foley); the gentleman from Louisiana (Mr. Long); the gentleman from Arkansas (Mr. Alexander); the gentleman from California (Mr. Edwards); the gentleman from Illinois (Mr. Michel); the gentleman from Mississippi (Mr. Lott); the gentleman from New York (Mr. Kemp); the gentleman from Arizona (Mr. Rhodes); and the gentleman from California (Mr. Clausen).

The VICE PRESIDENT. The President of the Senate appoints the following Senators as the committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. Baker); the Senator from South Carolina (Mr. Thurmond); the Senator from Idaho (Mr. McClure); the Senator from Texas (Mr. Tower); the Senator from Utah (Mr. Garn); the Senator from Oregon (Mr. Packwood); the Senator from California (Mr. Hayakawa); the Senator from West Viriginia (Mr. Robert C. Byrd); the Senator from California (Mr. Cranston); the Senator from Hawaii (Mr. Inouye); the Senator from Texas (Mr. Bentsen); the Senator from Tennessee (Mr. Sasser); and the Senator from Maryland (Mr. Sarbanes).

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justice of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 3 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-133)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of the Congress, honored guests, and fellow citizens.

Today marks my first State of the Union address to you, a constitutional duty as old as our Republic itself.

President Washington began this tradition in 1790 after reminding the Nation that the destiny of self-government and the preservation of the sacred fire of liberty is "finally staked on the experiment entrusted to the hands of the American people." For our friends in the press, who place a high premium on accuracy, let me say: I did not actually hear George Washington say that, but it is a matter of historic record.

But from this podium, Winston Churchill asked the free world to stand together against the onslaught of aggression. Franklin Delano Roosevelt spoke of a day of infamy and summoned a nation to arms. Douglas MacArthur made an unforgettable farewell to a country he had loved and served so well. Dwight Eisenhower reminded us that peace was purchased only at the price of strength and John F. Kennedy spoke of the burden and glory that is freedom.

When I visited this Chamber last year as a newcomer to Washington, critical of past policies which I believe had failed, I proposed a new spirit of partnership between this Congress and this administration and between Washington and our State and local governments.

In forging this new partnership for America we could achieve the oldest hopes of our Republic—prosperity for our Nation, peace for the world, and the blessings of individual liberty for our children and, someday, for all of humanity.

It is my duty to report to you tonight on the progress that we have made in our relations with other nations, on the foundation we have carefully laid for our economic recovery and, finally, on a bold and spirited initiative that I believe can change the face of American Government and make it again the servant of the people.

Seldom have the stakes been higher for America. What we do and say here will make all the difference to autoworkers in Detroit, lumberjacks in the Northwest, steelworkers in Steubenville who are in the unemployment lines, the black teenagers in Newark and Chicago, to hard-pressed farmers and small businessmen, and to millions of everyday Americans who harbor the simple wish of a safe and financially secure future for their children.

To understand the state of the Union, we must look not only at where we are and where we are going but where we have been. The situation at this time last year was truly ominous.

The last decade has seen a series of recessions. There was a recession in 1970, another in 1974, and again in the spring of 1980. Each time, unemployment increased and inflation soon turned up again. We coined the word "stagflation" to describe this.

Government's response to these recessions was to pump up the money supply and increase spending.

In the last 6 months of 1980, as an example, the money supply increased at the fastest rate in postwar history—13 percent. Inflation remained in double digits and government spending increased at an annual rate of 17 percent. Interest rates reached a staggering 21½ percent. There were 8 million unemployed.

Late in 1981, we sank into the present recession, largely because continued high interest rates hurt the auto industry and construction. There was a drop in productivity and the already high unemployment increased.

This time, however, things are different. We have an economic program in place completely different from the artificial quick-fixes of the past. It calls for a reduction of the rate of increase in government spending, and already that rate has been cut nearly in half. But reduced spending alone is not enough. We have just implemented the first and smallest phase of a 3-year tax rate reduction plan designed to stimulate the economy and create jobs.

Already interest rates are down to 15¾ percent, but they must still go lower. Inflation is down from 12.4 to 8.9 percent, and for the month of December it was running at an annualized rate of 5.2 percent.

If we had not acted as we did, things would be far worse for all Americans than they are today. [Applause.]

Inflation, taxes and interest rates would all be higher.

A year ago, Americans' faith in their governmental process was steadily declining. Six out of ten Americans were saying they were pessimistic about their future.

A new kind of defeatism was heard. Some said our domestic problems were uncontrollable, that we had to learn to live with the seemingly endless cycle of high inflation and high unemployment.

There were also pessimistic predictions about the relationship between our Administration and this Congress. It was said we could never work together. Well, those predictions were wrong.

The record is clear, and I believe history will remember this as an era of American renewal; remember this administration as an administration of change, and remember this Congress as a Congress of destiny.

Together, we not only cut the increase in Government spending nearly in half, we brought about the largest tax reductions and the most sweeping changes in our tax structure since the beginning of this century. And because we indexed future taxes to the rate of inflation, we took away Government's built-in profit on inflation and its hidden incentive to grow larger at the expense of American workers.

Together, after 50 years of taking power away from the hands of the people in their States and local communities, we have started returning power and resources to them.

Together, we have cut the growth of new Federal regulations nearly in half. In 1981, there were 23,000 fewer pages in the Federal Register, which lists new regulations, than there were in 1980. [Applause.] By deregulating oil, we have come closer to achieving energy independence and helped bring down the costs of gasoline and heating fuel.

Together, we have created an effective Federal strike force to combat waste and fraud in Government. In just 6 months it has saved the taxpayers more than $2 billion—and it is only getting started.

Together, we have begun to mobilize the private sector—not to duplicate wasteful and discredited Government programs, but to bring thousands of Americans into a volunteer effort to help solve many of America's social problems.

Together, we have begun to restore that margin of military safety that insures peace. Our country's uniform is being worn once again with pride. [Applause.]

Together, we have made a New Beginning, but we have only begun.

No one pretends that the way ahead will be easy. In my Inaugural Address last year, I warned that the "ills we suffer have come upon us over several decades. They will not go away in days, weeks or months, but they will go away * * * because we as Americans have the capacity now, as we've had in the past, to do whatever needs to be done to preserve this last and greatest bastion of freedom." [Applause.]

The economy will face difficult moments in the months ahead. But, the program for economic recovery that is in place will pull the economy out of its slump and put us on the road to prosperity and stable growth by the latter half of this year.

That is why I can report to you tonight that in the near future the state of the Union and the economy will be better—much better—if we summon the strength to continue on the course we have charted.

And so the question: If the fundamentals are in place, what now?

Two things. First, we must understand what is happening at the moment to the economy. Our current problems are not the product of the recovery program that is only just now getting underway, as some would have you believe; they are the inheritance of decades of tax and tax, spend and spend.

Second, because our economic problems are deeply rooted and will not respond to quick political fixes we must stick to our carefully integrated plan for recovery. And that plan is based on four commonsense fundamentals: continued reduction of the growth in Federal spending; preserving the individual and business tax reductions that will stimulate saving and investment; removing unnecessary Federal regulations to spurt productivity; and maintaining a healthy dollar and a stable monetary policy—the latter a responsibility of the Federal Reserve System.

The only alternative being offered to this economic program is a return to the policies that gave us a trillion dollar debt, runaway inflation, runaway interest rates and unemployment.

The doubters would have us turn back the clock with tax increases that would offset the personal tax rate reductions already passed by this Congress.

Raise present taxes to cut future deficits, they tell us. Well, I don't believe we should buy that argument. There are too many imponderables for anyone to predict deficits or surpluses several years ahead with any degree of accuracy. The budget in place when I took office had been projected as balanced. It turned out to have one of the biggest deficits in history. Another example of the imponderables that can make deficit projections highly questionable: A change of only one percentage point in unemployment can alter a deficit up or down by some $25 billion.

As it now stands, our forecasts, which we are required by law to make will show major deficits, starting at less than $100 billion and declining, but still too high.

More important, we are making progress with the three keys to reducing deficits: economic growth, lower interest rates, and spending control. The policies we have in place will reduce the deficit steadily, surely and, in time, completely.

Higher taxes would not mean lower deficits. If they did, how would we explain that tax revenues more than doubled just since 1976, yet in that same 6-year period we ran the largest series of deficits in our history? In 1980, tax revenues increased by $54 billion, and in 1980 we had one of our all-time biggest deficits.

Raising taxes won't balance the budget. It will encourage more Government spending and less private investment. Raising taxes will slow economic growth, reduce production, and destroy future jobs, making it more difficult for those without jobs to find them and more likely that those who now have jobs could lose them.

So I will not ask you to try to balance the budget on the backs of the American taxpayers. [Applause.]

I will not seek no tax increases this year and I have no intention of retreating from our basic program of tax relief. [Applause.]

I promised the American people to bring their tax rates down and to keep them down, to provide them incentives to rebuild our economy, to save, to invest in America's future. I will stand by my word. Tonight I am urging the American people: Seize these new opportunities to produce, to save, to invest, and together we will make this economy a mighty engine of freedom, hope and prosperity again. [Applause.]

Now, the budget deficit this year will exceed our earlier expectations. The recession did that. It lowered revenues and increased costs. To some extent, we are also victims of our own success. We have brought inflation down faster than we thought we could. [Applause.]

And in doing this, we have deprived Government of those hidden revenues that occur when inflation pushes people into higher income tax brackets. And the continued high interest rates last year cost the Government about $5 billion more than anticipated.

We must cut out more nonessential Government spending and root out more waste, and we will continue our efforts to reduce the number of employees in the Federal work force by 75,000.

The budget plan I submit to you on February 8 will realize major savings by dismantling the Departments of Energy and Education, and by eliminating ineffective subsidies for business. We will continue to redirect our resources to our two highest budget priorities—a strong national defense to keep America free and at peace, and a reliable safety net of social programs for those who have contributed and those who are in need.

Contrary to some of the wild charges you may have heard, this Administration has not and will not turn its back on America's elderly or America's poor. [Applause.]

Under the new budget, funding for social insurance programs will be more than double the amount spent only 6 years ago.

But it would be foolish to pretend that these or any programs cannot be made more efficient and economical.

The entitlement programs that make up our safety net for the truly needy have worthy goals and many deserving recipients. We will protect them. But there is only one way to see to it that these programs really help those whom they were designed to help, and that is to bring their spiraling costs under control.

Today we face the absurd situation of a Federal budget with three-quarters of its expenditures routinely referred to as "uncontrollable"—and a large part of this goes to entitlement programs.

Committee after committee of this Congress has heard witness after witness describe many of these programs as poorly administered and rife with waste and fraud. Virtually every American who shops in a local supermarket is aware of the daily abuses that take place in the food stamp program—which has grown by 16,000 percent in the last 15 years. Another example is medicare and medicaid—programs with worthy goals but whose costs have increased from $11.2 billion to almost $60 billion, more than five times as much, in just 10 years.

Waste and fraud are serious problems. Back in 1980, Federal investigators testified before one of your committees that "corruption has permeated virtually every area of the medicare and medicaid health care industry." One official said many of the people who are cheating the system were "very confident that nothing was going to happen to them."

Well, something is going to happen. Not only the taxpayers are defrauded—the people with real dependency on these programs are deprived of what they need because available resources are going not to the needy but to the greedy.

The time has come to control the uncontrollable.

In August we made a start. I signed a bill to reduce the growth of these programs by $44 billion over the next 3 years, while at the same time preserving essential services for the truly needy. Shortly you will receive from me a message on further reforms we intend to install—some new, but others long recommended by your own congressional committees. I ask you to help make these savings for the American taxpayer.

The savings we propose in entitlement programs will total some $63 billion over 4 years and will, without affecting social security, go a long way toward bringing Federal spending under control.

But don't be fooled by those who proclaim that spending cuts will deprive the elderly, the needy and the helpless. The Federal Government will still subsidize 95 million meals every day. That is one out of seven of all the meals served in America. Head Start, senior nutrition programs, and child welfare programs will not be cut from the levels we proposed last year. More than one-half billion dollars has been proposed for minority business assistance. And research at the National Institutes of Health will be increased by over $100 million. While meeting all these needs, we intend to plug unwarranted tax loopholes and strengthen the law which requires all large corporations to pay a minimum tax. [Applause.]

I am confident the economic program we have put into operation will protect the needy while it triggers a recovery that will benefit all Americans. It will stimulate the economy, result in increased savings and provide capital for expansion, mortgages for homebuilding, and jobs for the unemployed.

Now that the essentials of that program are in place, our next major undertaking must be a program, just as bold, just as innovative, to make government again accountable to the people, to make our system of federalism work again.

Our citizens feel they have lost control of even the most basic decisions made abut the essential services of government, such as schools, welfare, roads, and even garbage collection. They are right.

A maze of interlocking jurisdictions and levels of government confronts average citizens in trying to solve even the simplest of problems. They do not know where to turn for answers, who to hold accountable, who to praise, who to blame, who to vote for or against.

The main reason for his is the overpowering growth of Federal grants-in-aid programs during the past few decades.

In 1960, the Federal Government had 132 categorical grant programs, costing $7 billion. When I took office, there were approximately 500, costing nearly $100 billion—13 programs for energy conservation, 36 for pollution control, 66 for social services, 90 for education. And here, in the Congress, it takes at least 166 committees just to try to keep track of them.

You know and I know that neither the President nor the Congress can properly oversee this jungle of grants-in-aid; indeed, the growth of these grants has led to a distortion in the vital functions of government. As one Democratic Governor put it recently: The national government should be worrying about "arms controls, not potholes." [Applause.]

The growth in these Federal programs has, in the words of one intergovernmental commission, made the Federal Government "more pervasive, more intrusive, more unmanageable, more ineffective, more costly, and above all more unaccountable."

Let us solve this problem with a single bold stroke—the return of some $47 billion in Federal programs to State and local government, together with the means to finance them and a transition period of nearly 10 years to avoid unnecessary disruption.

I will shortly send the Congress a message describing this program. I want to emphasize, however, that its full details will have been worked out only after close consultation with congressional, State, and local officials.

Starting in fiscal 1984, the Federal Government will assume full responsibility for the cost of the rapidly growing medicaid program to go along with its existing responsibility for medicare. As part of a financially equal swap, the States will simultaneously take full responsibility for aid to families with dependent children and food stamps. [Applause.]

This will make welfare less costly and more responsive to genuine need because it will be designed and administered closer to the grassroots and the people it serves.

In 1984, the Federal Government will apply the full proceeds from certain excise taxes to a grassroots trust fund that will belong, in fair shares, to the 50 States. The total amount flowing into this fund will be $28 billion a year.

Over the next four years, the States can use this money in either of two ways. If they want to continue receiving Federal grants in such areas as transportation, education and social services, they can use their trust fund money to pay for the grants or, to the extent they choose to forgo the Federal grant programs, they can use their trust fund money on their own, for those or other purposes. There will be a mandatory passthrough of part of these funds to local governments.

By 1988, the States will be in complete control of over 40 Federal grant programs. The trust fund will start to phase out, eventually to disappear, and the excise taxes will be turned over to the States. They can then preserve, lower or raise taxes on their own and fund and manage these programs as they see fit.

In a single stroke, we will be accomplishing a realignment that will end cumbersome administration and spiraling costs at the Federal level while we insure these programs will be more responsive to both the people they are meant to help and the people who pay for them.

Hand in hand with this program to strengthen the discretion and flexibility of State and local governments, we are proposing legislation for an experimental effort to improve and develop our depressed urban areas in the 1980's and 1990's. This legislation will permit States and localities to apply to the Federal Government for designation as urban enterprise zones. A broad range of special economic incentives in the zones will help attract new business, new jobs, new opportunity to America's inner cities and rural towns. Some will say our mission is to save free enterprise. I say we must free enterprise so that, together, we can save America. [Applause.]

Some will also say our States and local communities are not up to the challenge of a new and creative partnership. That might have been true 20 years ago before reforms like reapportionment and the Voting Rights Act, the 10-year extension of which I strongly support. It is no longer true today. This Administration has faith in State and local governments and the constitutional balance envisioned by the Founding Fathers. We also believe in the integrity, decency and sound good sense of grassroots Americans.

Our faith in the American people is reflected in another major endeavor. Our private sector initiatives task force is seeking out successful community models of school, church, business, union, foundation and civic programs that help community needs. Such groups are almost invariably far more efficient than government in running social programs.

We are not asking them to replace discarded and often discredited Government programs dollar for dollar, service for service. We just want to help them perform the good works they choose, and help others to profit by their example. Three hundred eighty-five thousand corporations and private organizations are already working on social programs ranging from drug rehabilitation to job training, and thousands more Americans have written us asking how they can help. The volunteer spirit is still alive and well in America. [Applause.]

Our Nation's long journey toward civil rights for all our citizens—once a source of discord, now a source of pride—must continue with no backsliding or slowing down. We must and shall see that those basic laws that guarantee equal rights are preserved and, when necessary, strengthened. Our concern for equal rights for women is firm and unshakable. We launched a new Task Force on Legal Equity for Women, and a Fifty-States Project that will examine State laws for discriminatory language. And for the first time in our history a woman sits on the highest court in the land. [Applause.]

So, too, the problem of crime—one as real and deadly serious as any in America today—demands that we seek transformation of our legal system, which overly protects the rights of criminals while it leaves society and the innocent victims of crime without justice.

We look forward to the enactment of a responsible Clean Air Act to increase jobs while continuing to improve the quality of our air. We are encouraged by the bipartisan initiative of the House and are hopeful of further progress as the Senate continues its deliberations.

So far I have concentrated largely on domestic matters. To view the state of the Union in perspective, we must not ignore the rest of the world. There is not time tonight for a lengthy treatment of foreign policy—a subject I intend to address in detail in the near future. A few words, however, are in order on the progress we have made over the past year reestablishing respect for our Nation around the globe and some of the challenges and goals we will approach in the year ahead.

At Ottawa and Cancun, I met with leaders of the major industrial powers and developing nations. Some of those I met were a little surprised that I did not apologize for America's wealth. Instead I spoke of the strength of the free marketplace system and how that system could help them realize their aspirations for economic development and political freedom. I believe lasting friendships were made and the foundation was laid for future cooperation.

In the vital region of the Caribbean Basin, we are developing a program of aid, trade and investment incentives to promote self-sustaining growth and a better, more secure life for our neighbors to the south. Toward those who would export terrorism and subversion in the Caribbean and elsewhere, especially Cuba and Libya, we will act with firmness.

Our foreign policy is a policy of strength, fairness and balance. By restoring America's military credibility, by pursuing peace at the negotiating table wherever both sides are willing to sit down in good faith, and by regaining the respect of America's allies and adversaries alike, we have strengthened our country's position as a force for peace and progress in the world.

When action is called for, we are taking it. Our sanctions against the military dictatorship that has attempted to crush human rights in

Poland—and against the Soviet regime behind that military dictatorship—clearly demonstrated to the world that America will not conduct "business as usual" with the forces of oppression. [Applause.]

If the events in Poland continue to deteriorate, further measures will follow.

Let me also note that private American groups have taken the lead in making January 30 a day of solidarity with the people of Poland—so, too, the European Parliament has called for March 21 to be an international day of support for Afghanistan. I urge all peace-loving peoples to join together on those days, to raise their voices, to speak and pray for freedom.

Meantime, we are working for reduction of arms and military activities. As I announced in my address to the Nation last November 18, we have proposed to the Soviet Union a far-reaching agenda for mutual reduction of military forces and have already initiated negotiations with them in Geneva on intermediate range nuclear forces.

In these talks, it is essential that we negotiate from a position of strength. There must be a real incentive for the Soviets to take these talks seriously. This requires that we rebuild our defenses.

In the last decade, while we sought the moderation of Soviet power through a process of restraint and accommodation, the Soviets engaged in an unrelenting build-up of their military forces.

The protection of our national security has required that we undertake a substantial program to enhance our military forces.

We have not neglected to strengthen our traditional alliances in Europe and Asia, or to develop key relationships without partners in the Middle East and other countries.

Building a more peaceful world requires a sound strategy and the national resolve to back it up. When radical forces threaten our friends, when economic misfortune creates conditions of instability, when strategically vital parts of the world fall under the shadow of Soviet power, our response can make the difference between peaceful change or disorder and violence. That is why we have laid such stress not only on our own defense, but on our vital foreign assistance program. Your recent passage of the foreign assistance act sent a signal to the world that America will not shrink from making the investments necessary for both peace and security. Our foreign policy must be rooted in realism, not naivete or self-delusion.

A recognition of what the Soviet empire is about is the starting point. Winston Churchill, in negotiating with the Soviets, observed that they respect only strength and resolve in their dealings with other nations.

That is why we have moved to reconstruct our national defenses. We intend to keep the peace—we will also keep our freedom. [Applause.]

We have made pledges of a new frankness in our public statements and worldwide broadcasts. In the face of a climate of falsehood and misinformation, we have promised the world a season of truth—the truth of our great civilized ideas: individual liberty, representative government, the rule of law under God.

We have never needed walls or mine fields or barbwire to keep our people in. Nor do we declare martial law to keep our people from voting for the kind of government they want.

Yes, we have our problems. Yes, we are in a time of recession. And it is true, there is no quick fix, as I said, to instantly end the tragic pain of unemployment. But we will end it. The process has already begun and we will see its effect as the year goes on.

We speak with pride and admiration of that little band of Americans who overcame insuperable odds to set this Nation on course 200 years ago. But our glory did not end with them—Americans ever since have emulated their deeds.

We don't have to turn to our history books for heroes. They are all around us. One who sits among you here tonight epitomized that heroism at the end of the longest imprisonment ever inflicted on men of our Armed Forces. Who will ever forget that night when we waited for television to bring us the scene of that first plane landing at Clark Field in the Philippines—bringing our POW's home? The plane door opened and Jeremiah Denton came slowly down the ramp. He caught sight of our flag, saluted, and said, "God bless America," and then thanked us for bringing him home. [Applause.]

Just 2 weeks ago, in the midst of a terrible tragedy on the Potomac, we saw again the spirit of American heroism at its finest, the heroism of dedicated rescue workers saving crash victims from icy waters. We saw the heroism of one of our young Government employees, Lenny Skutnik, who, when he saw a woman lose her grip on the helicopter line, dived into the water and dragged her to safety. [Applause.]

And then there are countless quiet, everyday heroes of American life—parents who sacrifice long and hard so their children will know a better life than they have known; church and civic volunteers who help to feed, clothe, nurse and teach the needy; millions who have made our Nation, and our Nation's destiny, so very special—unsung heroes who may not have realized their own dreams themselves but who then reinvest those dreams in their children.

Don't let anyone tell you that America's best days are behind her, that the American spirit has been vanquished. We have seen it triumph too often in our lives to stop believing in it now. [Applause.]

One hundred and twenty years ago, the greatest of all our Presidents delivered his second state of the Union message in this Chamber. "We cannot escape history," Abraham Lincoln warned. "We of this Congress and this administration will be remembered in spite of ourselves." The "trial through which we pass will light us down in honor or dishonor to the latest generation."

That President and the Congress did not fail the American people. Together, they weathered the storm and preserved the Union.

Let it be said of us that we, too, did not fail; that we, too, worked together to bring America through difficult times. Let us so conduct ourselves that two centuries from now, another Congress and another President, meeting in this Chamber as we are meeting, will speak of us with pride, saying that we met the test and preserved for them in their day the sacred flame of liberty—this last, best hope of man on Earth.

God bless you, and thank you.

[Applause, the Members rising.]

At 9 o'clock and 48 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 53 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. ROSTENKOWSKI. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 27, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2877. A letter from the President of the United States, transmitting additional proposed appropriation language for fiscal year 1982 for the Department of Agriculture (H. Doc. No. 97-134); to the Committee on Appropriations and ordered to be printed.

2878. A letter from the Executive Associate Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Salaries and Expenses, U.S. Attorneys and Marshals," for fiscal year 1982, has been reapportioned for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

2879. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the publishing distribution office function at Kelly Air Force Base, Texas, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2880. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-139, "Uniform Commercial Code Amendments Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2881. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-140 "Unemployment Trust Fund Revenue Temporary Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2882. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-141, "Redistricting Procedure Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2883. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-142, "Election, Campaign Finance Reform and Conflict of Interest Act, Latino Community Development, and Official Correspondence Regulations Amendments Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2884. A letter from the District of Columbia Auditor, transmitting a report of an investigation of an unemployment compensation complaint, pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

2885. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during December 1981, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

2886. A letter from the Secretary of Health and Human Services, transmitting the annual report on health maintenance organizations covering fiscal year 1980, pursuant to section 1315 of the Public Health Service Act; to the Committee on Energy and Commerce.

2887. A letter from the Chairman, Northern Mariana Islands Commission on Federal Laws, transmitting an interim report on the Commission's study of the applicability of U.S. laws to the Northern Mariana Islands, pursuant to section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 268); to the Committee on Interior and Insular Affairs.

2868. A letter from the Chairman, Little League Baseball, transmitting the annual report and audit of the organization for the year ended September 30, 1981, pursuant to section 14(b) of Public Law 88-378; to the Committee on the Judiciary.

2889. A letter from the Administrator of General Services, transmitting thirteen prospectuses proposing the acquisition of space by lease in various locations; to the Committee on Public Works and Transportation.

2890. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting the Commission's annual report for fiscal year 1981 on contract activity involving fiscal year 1978 funds, pursuant to section 11 of Public Law 95-601; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

2891. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1980 on the Professional Standards Review Organization program, pursuant to section 1172 of the Social Security Act; jointly, to the Committees on Energy and Commerce, and Ways and Means.

2892. A letter from the Secretary of Health and Human Services, transmitting the 14th annual report on medicare, covering fiscal year 1980, pursuant to section 1875(b) of the Social Security Act; jointly, to the Committees on Energy and Commerce, and Ways and Means.

2893. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Pakistan (Transmittal No. 32-28), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2894. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Pakistan (Transmittal No. 82-28) pursuant to section 36(b) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 5336. A bill to authorize the exchange of properties in Athens, Ga., between the United States and the Clarke County Board of Education; to the Committee on Armed Services.

H.R. 5337. A bill to increase incentives for savings in financial institutions; to the Committee on Ways and Means.

By Mrs. BOUQUARD (for herself, Mr. Duncan, Mr. Volkmer, Mr. Hansen of Utah, Mr. Evans of Iowa, Mr. Ratchford, Mr. Dyson, Mr. Bowen, Ms. Fiedler, Mr. Gregg, Mr. Roberts of South Dakota, And Mrs. Schroeder):

H.R. 5338. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. CORRADA:

H.R. 5339. A bill to amend the Social Security Act to place Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands on the same basis as States for the purpose of payment under the medicaid program; to the Committee on Energy and Commerce.

By Mr. WYDEN:

H.R. 5340. A bill to amend the Internal Revenue Code of 1954 to make permanent the business energy credits which would otherwise terminate on December 31, 1982; to the Committee on Ways and Means.

By Mr. COURTER:

5341. A bill to prevent from taking effect any law enacted during 1981 which provided special tax benefits with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. FIELDS:

H.R. 5342. A bill relating to the effective date of the provision in the Economic Recovery Tax Act of 1981 which permits elections under section 2032A of the Internal Revenue Code of 1954 to be made on late estate tax returns; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself and Mr. Emerson):

H.R. 5343. A bill to repeal the special tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. GOLDWATER (for himself, Mr. Matsui, and Mr. Fazio):

H.R. 5344. A bill to amend the Internal Revenue Code of 1954 to permit new businesses to be eligible for the research and development tax credit; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 5345. A bill to rescind the tax benefits enacted during 1981 which provided special deductions with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. GREGG (for himself, Mr. LeBoutillier, Mr. Bliley, Mr. Addabbo, Mr. Bevill, Mr. Quillen, Mr. Napier, Mr. Hiler, Mr. Whitehurst, and Mr. Horton):

H.R. 5346. A bill to amend title 10 of the United States Code to allow the appointment of cadets at the Air Force Academy to succeed certain cadets discharged or graduated from the Air Force Academy and certain cadets not graduating from the Air Force Academy with the class of cadets admitted with such cadets; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 5347. A bill to amend the Internal Revenue Code of 1954 to increase by 8 cents per pack the Federal excise tax on cigarettes and to provide that revenues from the additional tax shall be deposited in the Federal Hospital Insurance Trust Fund under the Social Security Acts; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. Studds, Mr. Young of Alaska, Mr. Benjamin, Mr. Conte, Mr. Biaggi, Mr. Anderson, Mr. Bowen, Mr. Forsythe, Mr. Pritchard, Mr. Lent, Mr. Bonker, Mr. D'Amours, Mr. Oberstar, Mr. Emery, Mr. Davis, Mr. Dougherty, Mr. Hughes, Ms. Mikulski, Mr. Hutto, Mrs. Schneider, Mr. Shaw, Mr. Donnelly, Mr. Tauzin, Mr. Foglietta, Mr. Sunia, Mr. Dyson, Mr. Smith of Pennsylvania, Mr. Young of Florida, Mr. Bafalis, Mr. Lowry of Washington, Mr. Fary, Mr. Whitehurst, Mr. Clausen, Mr. Swift, Mr. Gejdenson, Mr. Corrada, Mr. Dicks, Mr. Brooks, Mrs. Boggs, Mr. Zeferetti, Mr. Ginn, Mr. Pepper, Mr. Traxler, Mr. AuCoin, Mr. Lehman, and Mr. de Lugo):

H.R. 5348. A bill making a supplemental appropriation for fiscal year 1982 for operating expenses of the Coast Guard; to the Committee on Appropriations.

By Mr. MOTTL:

H.R. 5349. A bill to amend title 38 of the United States Code to change for which veterans the Administrator of Veterans' Affairs may pay a sum for funeral expenses and for which veterans the Administrator of Veterans' Affairs must pay a plot allowance; to the Committee on Veterans' Affairs.

By Mr. PRICE:

H.R. 5350. A bill to amend chapter 137 of title 10, United States Code, to impose certain requirements on the awarding of sole-source contracts by the military departments; to the Committee on Armed Services.

By Mr. PURSELL:

H.R. 5351. A bill to grant a Federal charter to the National Society, Daughters of the American Colonists; to the Committee on the Judiciary.

By Mr. SAVAGE:

H.R. 5352. A bill to direct the Secretary of Housing and Urban Development to prevent the foreclosure of one- to four-family mortgages insured under title II of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHULZE:

H.R. 5353. A bill to amend the Federal Food, Drug, and Cosmetic Act to require foods containing imported mushrooms to bear labeling stating the country of origin of the mushrooms; to the Committee on Energy and Commerce.

H.R. 5354. A bill relating to the marking of containers of imported mushrooms; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 5355. A bill to amend title 38, United States Code, to restore veterans' burial benefits terminated by the Omnibus Budget Reconciliation Act of 1981; to the Committee on Veterans' Affairs.

By Mr. SHARP:

H.R. 5356. A bill to rescind the tax benefits provided during 1981 to Members of Congress for living expenses; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. Horton, Mr. Frank, Mr. Forsythe, Mr. Smith of Pennsylvania, Mr. Barnes, Mr. Sam B. Hall, Jr., Mr. Whitehurst, Mr. Molinari, Mr. Sunia, Mrs. Chisholm, Mr. Corrada, Mr. Bedell, and Mr. Lundine):

H.R. 5357. A bill to extend by 2 months (until June 30, 1982) the period within which an individual must have been already enrolled in a postsecondary school, college, or university in order to continue (after July 1982) to receive child's insurance benefits, as a student, under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. TAUZIN:

H.R. 5358. A bill to provide for the settlement of the land claims of the Chitimacha Tribe of Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COURTER:

H.J. Res 383. Joint resolution to designate January 30, 1982, as "A National Day of Solidarity With the Polish People," and for other purposes; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. DAN DANIEL:

H.J. Res. 384. Joint resolution to provide for the erection of an appropriate statue or other memorial in the Arlington National Cemetery to honor individuals who were combat glider pilots during World War II; to the Committee on Veterans' Affairs.

By Mr. JACOBS (for himself, and Mr. Gunderson):

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress that the Internal Revenue Code of 1954 does not grant Federal tax benefits to educational institutions which discriminate on the basis of race or color; to the Committee on Ways and Means.

By Mr. MOTTL (for himself, and Mr. AuCoin):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that Paul Volcker, Chairman of the Board of Governors of the Federal Reserve System, should resign; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H. Con. Res. 248. Concurrent resolution expressing the sense of the Congress with respect to the contributions of the U.S. Air Force Aerial Demonstration Squadron, commonly known as the Thunderbirds; to the Committee on Armed Services.

By Mr. PORTER:

H. Con. Res. 249. Concurrent resolution condemning religious persecution and bigotry as an official policy or practice of national governments; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H. Res. 320. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. COURTER:

H. Res. 321. Resolution amending the Rules of the House of Representatives to decrease the amounts of outside earned income which a Member may accept, and for other purposes; to the Committee on Rules.

By Mr. DELLUMS:

H. Res. 322. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. FORD of Michigan:

H. Res. 323. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. GOODLING:

H. Res. 324. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon the passage of any legislation that economically affects Members as a separate class; to the Committee on Rules.

By Mr. STOKES:

H. Res. 325. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the 2d session of the 97th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

242. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to Marathon Oil Co., jointly, to the Committees on Energy and Commerce and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 5359. A bill for the relief of Frank L. Hulsey; to the Committee on the Judiciary.

By Mr. FORD of Michigan:

H.R. 5360. A bill for the relief of Marsha D. Christopher; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 5361. A bill to authorize the President of the United States to present, on behalf of the Congress, a gold medal to Lenny Skutnik; to the Committee on Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 556: Mr. Oxley.

H.R. 800: Mr. Moffett, Mrs. Schneider, Mr. Shamansky, Mr. Ratchford, Mr. William J. Coyne, Mr. Brodhead, and Mr. Peyser.

H.R. 1169: Mr. Edgar.

H.R. 1506: Mr. Shamansky.

H.R. 1778: Mr. Grisham.

H.R. 1779: Mr. Grisham.

H.R. 1851: Mr. Savage.

H.R. 2017: Mr. Stump.

H.R. 2440: Mr. Hughes, Mr. Oxley, Mr. Edgar, and Mr. Ratchford.

H.R. 3762: Mr. Foglietta, Mr. Garcia, Mr. Parris, and Mr. Solomon.

H.R. 3860: Ms. Ferraro.

H.R. 4147: Mr. Ford of Tennessee, Mr. Hagedorn, and Mr. Atkinson.

H.R. 4274: Mr. Lent.

H.R. 4354: Mr. Leland.

H.R. 4362: Mr. Evans of Georgia.

H.R. 4375: Mr. Clay, Mr. Mitchell of Maryland, and Mr. Dellums.

H.R. 4460: Mr. Walgren and Mr. Gejdenson.

H.R. 4562: Ms. Oakar.

H.R. 4639: Mr. Tauke.

H.R. 4684: Mr. Bailey of Missouri.

H.R. 4712: Mr. Smith, of Pennsylvania, Mr. Oberstar, Mr. Crockett, Mr. Rosenthal, and Mr. Mitchell of Maryland.

H.R. 4780: Mr. Badham.

H.R. 4781: Mr. Badham.

H.R. 4808: Mr. Myers, Mr. Huckaby, Mr. Lewis, Mr. Wilson, Mr. Martin of New York, Mr. LaFalce, Mr. Jacobs, Mr. Yatron, Mr. Wyden, Mr. Bafalis, Mr. Edwards of Alabama, Mr. Hubbard, Mr. Dreier, Mr. Frank, Mrs. Holt, and Mr. Garcia.

H.R. 4898: Mr. Hendon and Mr. Rinaldo.

H.R. 4957: Mr. Minish, Mr. Smith of New Jersey, Mr. D'Amours, Mr. St Germain, and Mrs. Fenwick.

H.R. 4980: Mr. Gradison and Mr. Oxley.

H.R. 5005: Mr. Ottinger, Mr. Gejdenson, Mr. Bedell and Mr. Foglietta.

H.R. 5066: Mr. Jacobs, Mr. Mitchell of Maryland, and Mr. Jeffries.

H.R. 5323: Mr. Evans of Iowa.

H.R. 5334: Mr. Evans of Iowa, Mr. Brown of Colorado, Mr. Shamansky, Mr. Ashbrook, Mr. Collins of Texas, Mr. Gunderson, Mr. Jeffries, Mr. Roberts of Kansas, Mr. Smith of Alabama, Mr. Weber of Ohio, and Mr. Smith of New Jersey.

H.J. Res. 56: Mr. Dunn and Mr. Loeffler.

H.J. Res. 293: Mr. Weber of Ohio and Mr. Tauke.

H.J. Res. 294: Mr. Goldwater, Mr. Skelton, Mr. DeNardis, Mr. Gramm, Mr. Deckard, Mr. Clausen, Mr. Hiler, Mr. Erdahl, Mr. Emery, Mr. Conte, Mrs. Snowe, Mr. Lott, Mr. Smith of Oregon, Mr. Stenholm, Mr. Rousselot, Mr. Petri, Mr. English, Mr. Rose, Mr. Daniel B. Crane, and Mr. Ashbrook.

H.J. Res. 336: Mr. Tauke.

H.J. Res. 353: Mr. Gingrich, Mr. Corrada, Mr. Weiss, Mrs. Holt, Mr. Mazzoli, Ms. Oakar, Mr. Coates, Mr. Jeffords, Mr. Hiler, Mr. Dougherty, and Mr. Peyser.

H.J. Res. 354: Mr. Hiler, Mr. Coats, Mr. Solarz, Mr. Weiss, Mr. Frank, Mr. Vander Jagt, Mr. Barnes, Mr. Craig, Mr. Philip Burton, Mr. Duncan, Mr. Benjamin, Mr. Railsback, Mr. Murphy, Mr. Butler, Mr. St Germain, Mr. Jacobs, Mr. Oxley, Mr. Florio, Mr. McEwen, Mr. Dan Daniel, Mr. Yatron, Mr. Ottinger, Mr. Gingrich, Mr. Santini, Mr. Moakley, Mr. Regula, Mr. Boland, Mr. Evans of Delaware, Mr. Hughes, Mr. McCollum, Mr. Chappel, Mr. Marks, Mr. Patterson, Mr. Hefner, Mr. Blanchard, Mr. Broyhill, Mr. Thomas, Mr. Hollenbeck, Mr. Miller of California, Mr. Biaggi, Mr. James K. Coyne, Mr. McClory, Mr. Kildee, Mr. Lantos, Mr. Moore, Mr. Pursell, Mr. Erdahl, Mr. Boner of Tennessee, Mr. Rose, Mr. Foley, Mr. Rosenthal, Mr. Kastenmeier, Mr. Leach of Iowa, Mr. Archer, Mr. Chappie, Mr. Marriott, Mr. Schumer, Mr. Albosta, Mr. Quillen, Mr. de Lugo, Mr. Tauzin, Mr. Wirth, Mr. McGrath, and Mr. Evans of Georgia.

H.J. Res. 364: Mr. Fary, Mr. Daub, Mr. Mazzoli, Mr. Dwyer, Mr. Paul, Mr. Won Pat, Mr. Lent, Mr. Smith of Alabama, Mr. Foglietta, Mr. Clausen, Mr. Roberts of Kansas, Mr. Hansen of Idaho, Mr. Simon, Ms. Mikulski, Mr. Horton, Mr. Minish, Mr. McCurdy, Mr. Badham, Mr. Rahall, Mr. Kindness, and Mr. Forsythe.

H. Con. Res. 60: Mr. Carman, Mr. Conyers, Mr. Edgar, Mr. Erdahl, Mr. Foglietta, Mr. Frenzel, Mr. Lowery of California, Mr. Nelligan, Mr. Siljander, Mr. Staton of West Virginia, and Mr. Young of Florida.

H. Con. Res. 79: Mr. Hollenbeck.

H. Con. Res. 195: Mr. Evans of Georgia.

H. Con. Res. 222: Mr. Shelby and Mr. DeNardis.

H. Con. Res. 223: Mr. Smith of Alabama.

H. Con. Res. 227: Mr. Ford of Michigan, Mr. Napier, Mr. Forsythe, Mr. Fazio, Mr. Kindness, Mr. Rahall, Mr. Hughes, Mr. Coelho, Mr. Dougherty, Mr. Mineta, Mr. Simon, Mr. Pepper, Mr. Horton, Mr. Daub, Mr. Mazzoli, Mr. Dyson, Mr. Pritchard, Mr. Addabbo, Mr. Reuss, Mr. Corrada, Mr. Roe, Mr. Stump, Mr. Sam B. Hall, Jr., Mr. Emerson, Mr. Won Pat, Mr. Bevill, Mr. de la Garza, Mr. Wortley, Mr. Goodling, Mr. Lagomarsino, Mr. Annunzio, Mr. Fary, Mr. Roemer, and Mr. Peyser.

H. Res. 230: Mr. Dreier, Mr. Addabbo, and Mr. McCloskey.

H. Res. 252: Mr. Dixon, Mr. Lujan, Mr. Ford of Tennessee, Mr. Hoyer, Mr. Barnes, Mr. Howard, and Mr. Gejdenson.

H. Res. 265: Mr. Sam B. Hall, Jr., Mr. Rinaldo, Mr. Collins of Texas, Mr. Wyden., Mr. Hughes, Mr. Daub, Mr. Mazzoli, Mr. Murphy, Mr. Mineta, Mr. McKinney, Mr. Dreier, Mr. Erlenborn, Mr. Parris, Mr. Erdahl, Ms. Fiedler, Mr. Craig, Mr. Annunzio, Mr. Ireland, and Mr. Dornan of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

327. By the SPEAKER: Petition of the Council of the Lexington-Fayette Urban County Government, Lexington, Ky., relative to the Community Development Block Grant and the Urban Development Action Grant programs; to the Committee on Banking, Finance and Urban Affairs.

328. Also, petition of the Council, New York, N.Y., relative to consumer protection; to the Committee on Energy and Commerce.

329. Also, petition of the City Council, Bowling Green, Ohio, relative to deregulation of natural gas prices; to the Committee on Energy and Commerce.

Senate

TUESDAY, JANUARY 26, 1982

(Legislative day of January 25, 1982)

The Senate met at 8:15 p.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Almighty God, God of justice and truth, this session of Congress opens in an election year. As political campaigns grow in intensity, cynicism which corrodes the democratic processes will increase. Dear God, help those who run for office to refrain from doing that which feeds cynicism. And help those who are safe until the next election to do all in their power to avoid that which justifies cynicism. Grant, O God, that the actions and decisions of the Senate in the next 10 months will honor Thee, reflect justice and truth for the common good.

Bless, O Lord, the members of the press who take seriously their mandate that the people may be adequately informed so the democratic process will work. Strengthen them in their resolve; sensitize them to the fierce power of words to build up or destroy. Help them to refrain from sowing seeds of cynicism. Make them wise in the use of the awesome power they possess. Somehow, Lord God, help politicians, press and people to be united in commitment to that which is right for our Nation and the world.

We pray for the President as he addresses the joint session, that his message will inspire national unity and purpose; and for the Congress, that its response will implement the finest and best for all peoples.

And, our Father, we remember Senator WILLIAMS at this time and commend him to Your loving care.

In the name of the Father, and the Son, and the Holy Spirit. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 25, 1982, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business not to extend beyond the hour of 8:40 p.m., with Senators permitted to speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR APPOINTMENT OF COMMITTEE TO ESCORT THE PRESIDENT

Mr. BAKER. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee of Senators on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further requirement for any time I have remaining under the standing order.

I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

APPOINTMENTS

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 381, 96th Congress, appoints the following persons to the Study Group on the Commemoration of the U.S. Senate Bicentenary: The Senator from Maryland (Mr. MATHIAS), the Senator from Virginia (Mr. WARNER), the Senator from Washington (Mr. GORTON), the former Senator from North Dakota (Mr. Young), and the former Senator from Pennsylvania (Mr. Scott).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal, and a treaty which were referred to the appropriate committees.

(The nominations, withdrawal, and treaty received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 8:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to the provisions of 46 United States Code 1295b(h), the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Ms. FERRARO and Mr. CARNEY.

The message also announced that pursuant to the provisions of 10 United States Code 9355(a), the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. FOLEY, Mr. DICKS, Mr. ROBINSON, and Mr. KRAMER.

The message further announced that pursuant to the provisions of section 194(a), title 14, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mr. MCKINNEY.

The message also announced that pursuant to the provisions of 10 United States Code 6968(a), the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. LONG of Maryland, Mr. MURTHA, Mrs. HOLT, and Mr. SPENCE.

The message further announced that pursuant to the provisions of 10

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

U.S.C. 4355(a), the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. Ginn, Mr. Dixon, Mr. Gilman, and Mr. Roth.

The message also announced that pursuant to the provisions of section 1, Public Law 86-420, as amended, the Speaker appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the House: Mr. de la Garza, Chairman, Mr. Yatron, Vice Chairman, Mr. Kazen, Mr. Miller of California, Mr. Skelton, Mr. Kogovsek, Mr. Mica, Mr. Rousselot, Mr. Lagomarsino, Mr. Rudd, Mr. Goodling, and Mr. Dreier.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2408. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to December 10, 1981; to the Committee on Foreign Relations.

EC-2409. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report of the Commission on the disposal of foreign excess property for fiscal year 1981; to the Committee on Governmental Affairs.

EC-2410. A communication from the Special Assistant to the President for Administration, transmitting, pursuant to law, a report concerning the personnel employed in the White House, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Governmental Affairs.

EC-2411. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Government Loses Revenue Because of Low Medical Care Charges To Liable Third Parties"; to the Committee on Governmental Affairs.

EC-2412. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, a report on the retirement plan for employees of the Federal Reserve System for fiscal year 1980; to the Committee on Governmental Affairs.

EC-2413. A communication from the Assistant Secretary of Health and Human Services for Health, transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department of Health and Human Services; to the Committee on Governmental Affairs.

EC-2414. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on a new Privacy Act system of records for the Federal Reserve System; to the Committee on Governmental Affairs.

EC-2415. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Department of Housing and Urban Development; to the Committee on Governmental Affairs.

EC-2416. A communication from the Assistant Secretary of the Smithsonian Institution (Administration), transmitting, pursuant to law, a report on the pension plan for the Smithsonian institution and the Woodrow Wilson International Center for Scholars for fiscal year 1980; to the Committee on Governmental Affairs.

EC-2417. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a report on a proposed plan for the use and distribution of Caddo judgment funds awarded before the Court of Claims; to the Select Committee on Indian Affairs.

EC-2418. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a plan for the use and distribution of judgement funds awarded to the Confederated Tribes of the Umatilla Reservation of Oregon by the Court of Claims; to the Select Committee on Indian Affairs.

EC-2419. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a proposed plan for the use and distribution of Warm Springs Tribes judgement funds awarded before the Court of Claims; to the Select Committee on Indian Affairs.

EC-2420. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report of the Tribunal for fiscal year 1981; to the Committee on the Judiciary.

EC-2421. A communication from the Director of the ACTION Agency, transmitting, pursuant to law, a copy of the final notice entitled "VISTA Guidelines—Part IV"; to the Committee on Labor and Human Resources.

EC-2422. A communication from the President of the Legal Services Corporation, transmitting, pursuant to law, the budget request of the Corporation for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-2423. A communication from the Chairman of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1981; to the Committee on Labor and Human Resources.

EC-2424. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the status and accomplishments of the runaway youth program for fiscal year 1980; to the Committee on Labor and Human Resources.

EC-2425. A communication from the Acting Under Secretary of Agriculture for International Affairs and Commodity Programs transmitting, pursuant to law, the quarterly commodity and country allocation table for food assistance under Public Law 480 for the second quarter of fiscal year 1982; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2426. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on 51 deferrals totalling $1,260.6 million; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on the Judiciary, the Committee on Finance, the Committee on Governmental Affairs, the Select Committee on Indian Affairs, and the Committee on Environment and Public Works.

EC-2427. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on one rescission of $20.4 million and nine deferrals totalling $132 million; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Agriculture, Nutrition, and Forestry, the Select Committee on Indian Affairs, and the Committee on Labor and Human Resources.

EC-2428. A communication from the Clerk of the Court of Claims transmitting, pursuant to law, a copy of the judgment of the Court in the matter of Red Lake Band, et al. v. the United States, No. 189–C; to the Committee on Appropriations.

EC-2429. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Venezuela; to the Committee on Armed Services.

EC-2430. A communication from the President of the United States urging provision by the Congress of required funding for completion of the B-1 Bomber program on schedule; to the Committee on Armed Services.

EC-2431. A communication from the Deputy Assistant Secretary of Defense for Military Personnel and Force Management transmitting, pursuant to law, a report on numbers of personnel during preceding fiscal year having 12 but less than 18 years of submarine service, and those entitled to incentive pay; to the Committee on Armed Services.

EC-2432. A communication from the Acting Assistant Secretary of the Air Force for Research, Development and Logistics, transmitting pursuant to law, notice of conversion of the military family housing maintenance function at Edwards Air Force Base, Calif., to performance under contract; to the Committee on Armed Services.

EC-2433. A communication from the Naval Sea Systems Command transmitting, pursuant to law, notice of the award of a fixed-price incentive contract to the Sperry Corp. for fire control systems; to the Committee on Armed Services.

EC-2434. A communication from the Secretary of Commerce transmitting, pursuant to law, notice of the extension of certain export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2435. A communication from the Chairman of the Federal Reserve Board transmitting, pursuant to law, the annual report of the Board on Truth in Lending; to the Committee on Banking, Housing, and Urban Affairs.

EC-2436. A communication from the Secretary of Commerce transmitting, pursuant to law, the fiscal year 1981 annual report of the Export Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-2437. A communication from the Secretary of Transportation transmitting, pursuant to law, notice of action by the Department on an application by American President Lines Ltd. to reconstruct three vessels in a foreign shipyard; to the Committee on Commerce, Science, and Transportaiton.

EC-2438. A communication from the Secretary of Transportation transmitting, pursuant to law, notice of action by the Department relative to application by Delta Steam-ship Lines, Inc., to reconstruct six vessels in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-2439. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on employee training and safety in the railroad industry; to the Committee on Commerce, Science, and Transportation.

EC-2440. A communication from the Administrator of the National Oceanic and Atmospheric Administration transmitting, pursuant to law, the Deep Seabed Mining Report; to the Committee on Commerce, Science, and Transportation.

EC-2441. A communication from the Transportation Systems Center transmitting, for the information of the Senate, the latest edition of the "National Transportation Statistics" report; to the Committee on Commerce, Science, and Transportation.

EC-2442. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the administration of the Fair Packaging and Labeling Act for fiscal year 1981; to the Committee on Commerce, Science, and Transportation.

EC-2443. A communication from the Chairman of the Interstate Commerce Commission transmitting a draft of proposed legislation to provide that the Commission need not publish notice of new motor, water, freight and broker applications in the Federal Register; to the Committee on Commerce, Science, and Transportation.

EC-2444. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, the quarterly report for the period July through September 1981 on imports of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal; reserves and production of crude oil, natural gas, and coal; refinery activities; and inventories; to the Committee on Energy and Natural Resources.

EC-2445. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notices of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2446. A communication from the Under Secretary Energy transmitting, pursuant to law, the first annual report under the Methane Transportation Research, Development, and Demonstration Act of 1980; to the Committee on Energy and Natural Resources.

EC-2447. A communication from the Secretary of Energy transmitting, pursuant to law, the fourth annual report on research and development activities in coal mining technologies; to the Committee on Energy and Natural Resources.

EC-2448. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Greater Energy Efficiency Can Be Achieved Through Land Use Management"; to the Committee on Energy and Natural Resources.

EC-2449. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Electric Power: Contemporary Issues and the Federal Role in Oversight and Regulation"; to the Committee on Energy and Natural Resources.

EC-2450. A communication from the Secretary of Commerce transmitting, pursuant to law, the Seventh Annual Report on Ocean Dumping Monitoring and Research; to the Committee on Environment and Public Works.

EC-2451. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the Department's report on the Professional Standards Review Organization program; to the Committee on Finance.

EC-2452. A communication from the President of the United States transmitting a draft of proposed legislation to prohibit tax exemptions for schools that discriminate on the basis of race; to the Committee on Finance.

EC-2453. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, the 28th quarterly report on trade between the United States and nonmarket economy countries; to the Committee on Finance.

EC-2454. A communication from the U.S. Trade Representative transmitting, pursuant to law, the Advisory Committee report on the agreement with Japan to accelerate the staged reduction of tariffs on semiconductors; to the Committee on Finance.

EC-2455. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-2456. A communication from the Assistant Secretary of the Treasury for Legislative Affairs transmitting, pursuant to law, project performance audit reports for the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank; to the Committee on Foreign Relations.

EC-2457. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on four systems of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2458. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report listing reports of the GAO for the month of November 1981; to the Committee on Governmental Affairs.

EC-2459. A communication from the Administrator of the Health Care Financing Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2460. A communication from the Assistant Attorney General of the United States for Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2461. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2462. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-137; to the Committee on Governmental Affairs.

EC-2463. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-136; to the Committee on Governmental Affairs.

EC-2464. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 3-135; to the Committee on Governmental Affairs.

EC-2465. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-134; to the Committee on Governmental Affairs.

EC-2466. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-133; to the Committee on Governmental Affairs.

EC-2467. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. act 4-126; to the Committee on Governmental Affairs.

EC-2468. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. Act 4-125; to the Committee on Governmental Affairs.

EC-2469. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. Act 4-124; to the Committee on Governmental Affairs.

EC-2470. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. Act 4-123; to the Committee on Governmental Affairs.

EC-2471. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of an act of the council, D.C. Act 4-121; to the Committee on Governmental Affairs.

EC-2472. A communication from the Assistant Secretary for Personnel Administration, Department of Health and Human Services transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-2473. A communication from the Assistant Secretary of Housing and Urban Development for Administration transmitting, pursuant to law, a report on a system of records under the Privacy Act; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 2016. A bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits; to the Committee on Finance.

By Mrs. HAWKINS:

S. 2017. A bill to authorize the Secretary of the Treasury to conduct a study of handgun bullets manufactured in or imported into the United States, to determine which bullets have the capacity to penetrate bulletproof vests commonly used by law enforcement officers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 284. Resolution expressing the sense of the Senate with respect to the consideration of an alternative minimum tax on corporations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 2016. A bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits; to the Committee on Finance.

PAYMENT OF SOCIAL SECURITY BENEFITS TO ALIENS

● Mr. LUGAR. Mr. President, today, after consultation with my friend, the Congressman from Ohio, Mr. WEBER, with a deep concern for the future of the social security system and our senior citizens, and in the belief that this Congress must start to help social security along the road to solvency, I am introducing legislation to restrict the payment of social security benefits to nonresident aliens.

At the present time we are paying about $1 billion each year in social security to people living outside the United States. It is estimated that 70 percent of these recipients are aliens. These people have all previously worked in the United States and have paid into the social security system. But then they have left the country, in most cases to return to their homeland. Some of these recipients have paid very little into social security.

Consider just four of the most extreme examples of actual cases of payment/benefit ratios to some foreign recipients:

Case 1: Paid in $25; benefits paid to date $11,000.

Case 2: Paid in $161; benefits paid to date $31,000.

Case 3: Paid in $50; benefits paid to date $13,000.

Case 4: Paid in $397; benefits paid to date $42,000.

I cannot believe that we can any longer afford to drain the social security system of funds to support aliens living outside our country. The purpose of social security is to provide a retirement benefit to assure that the elderly who live in our country can live with dignity.

Many foreigners, because of the lower standard of living in their mother country, can live in comparative luxury by going home and collecting social security benefits.

I believe that it is a vital first step to the recovery of the social security system to remove from eligibility those noncitizens who live and work in the United States temporarily and then return to their homelands, no longer to support and produce in the United States, only to drain the social security system of benefits for our elderly.

The General Accounting Office has estimated that this measure could save as much as $700 million a year. The bill pays back to those people what they have paid into the system, but no more.

There are serious problems with social security that endanger the ability of the Government to live up to the commitment to our elderly and retired. In order to preserve their benefits, we must take the first step. The time for action is now. This bill represents that first, positive step toward this goal that we share.

A general summary of the key points of the bill are:

First, only those aliens admitted as lawful residents to the United States, of our trusts and territories, by the Attorney General of the United States, may receive social security benefits.

Second, nonresident aliens are further restricted from receiving social security benefits by striking the 40-quarter test exemption.

Third, nonresident aliens may only receive benefits up to the amount of social security taxes they have paid into the system.

Fourth, to curb abuse by paper adoptions and the common May-December marriages as are frequent overseas, derivative benefits will not be paid to surviving dependents unless the dependency relationship existed prior to the primary beneficiary's 50th birthday.

Fifth, nonresident aliens who are receiving their benefits as a payback of their contributions will receive their benefits according to the established rules of eligibility as determined by social security.

Sixth, all U.S. citizens and nationals, at home or abroad, and all resident aliens are not affected by the enactment of this bill.

Social security is intended to take care of persons living in America. At this time of a failing social security system, we cannot allow social security to continue as a worldwide pension system for noncitizens no longer living in this country.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(t)(1) of the Social Security Act is amended to read as follows:

"(1)(A) Notwithstanding any other provisions of this title (but subject to subparagraphs (B) through (F) of this paragraph), no monthly benefit shall be paid under this section or section 223 for any month to any individual who is not a citizen or national of the United States, if such individual—

"(i) has not been lawfully admitted to the United States for permanent residence, or

"(ii) is outside the United States; and no monthly benefits shall be paid to any person for any month under this section or section 223 on the basis of the wages and self-employment income of an individual who (without regard to subparagraph (E)) is himself prevented by the preceding provisions of this subparagraph from receiving a benefit for that month.

"(B) Subparagraph (A)(i) shall not apply with respect to any individual within the United States if the benefit involved is payable to such individual as the dependent or survivor of a citizen or national of the United States, or as the dependent or survivor of an alien lawfully admitted to the United States for permanent residence.

"(C) Subparagraph (A)(ii) shall not apply with respect to any individual if (i) the benefit involved is payable to such individual as the dependent or survivor of a citizen or national of the United States who resides outside the United States and has attained age 50 (or who died outside the United States after attaining that age), and (ii) at the time such citizen or national attained age 50 the spousal, filial, parental, or other relationship which is required for such individual's entitlement to the benefit involved already existed.

"(D) For purposes of this paragraph, an individual shall be considered to be outside the United States in any month only if such month occurs—

"(i) after the sixth consecutive calendar month during all of which (as determined by the Secretary on the basis of information furnished to him by the Attorney General or information which otherwise comes to his attention) such individual is outside the United States, and

"(ii) prior to the first month thereafter during all of which such individual has been in the United States;

but in applying the preceding provisions of this subparagraph an individual who has been outside the United States for any period of thirty consecutive days shall be treated as remaining outside the United States until he has been in the United States for a period of thirty consecutive days.

"(E) An individual who is otherwise prevented by subparagraph (A) from receiving benefits under this title may nevertheless be paid such benefits, as though such subparagraph were inapplicable, until the total amount of such benefits equals the total amount of the taxes paid under sections 3101 and 1401 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) with respect to the wages and self-employment income on which such benefits are based (or, in any case where one or more other persons are also being paid benefits by reason of this subparagraph on the basis of such wages and self-employment income, until the total amount of the benefits paid to such individual equals the portion of such taxes which is attributable under regulations of the Secretary to such individual's entitlement). After such benefits have been paid, such individual shall have no further entitlement to benefits based in whole or in part on the same wages and self-employment income.

"(F) For purposes of this paragraph, the term 'United States' (when used in either a geographical or political sense) means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.".

(b) Section 202(t)(4) of such Act is amended—

(1) by striking out subparagraphs (A) and (B);

(2) by redesigning subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C); and

(3) by striking out the semicolon at the end of subparagraph (C) (as so redesignated) and all that follows and inserting in lieu thereof a period.

(c) The heading of section 202(t) of such Act is amended by adding at the end thereof the following: "; Prohibition Against Payment of Benefits to Aliens Not Permanent Residents".

Sec. 2. (a) Except as provided in subsection (b), the amendments made by the first section of this Act shall apply with respect to months after the month in which this Act is enacted.

(b) If any individual is (or upon application would be) entitled to a monthly benefit under section 202 or 223 of the Social Security Act for the month in which this Act is enacted on the basis of any person's wages and self-employment income, none of the amendments made by the first section of this Act shall apply with respect to such benefit or with respect to any other benefit which is or may become payable on the basis of such wages and self-employment income.●

By Mrs. HAWKINS:

S. 2017. A bill to authorize the Secretary of the Treasury to conduct a study of handgun bullets manufactured in or imported into the United States, to determine which bullets have the capacity to penetrate bulletproof vests commonly used by law enforcement officers; to the Committee on Finance.

LAW ENFORCEMENT OFFICERS' PROTECTION ACT OF 1983

● Mrs. HAWKINS. Mr. President, until "killer bullets" are banned from public sale, law enforcement officers and public officials will be vulnerable to assassins who acquire them since these bullets can penetrate otherwise bulletproof vests. For that reason, I am introducing today a bill which calls for a study to determine which handgun bullets can penetrate vests currently in use by law enforcement officers. A companion bill already has been introduced in the House of Representatives by Congressman Mario Biaggi. As a former New York City police officer, Representative Biaggi knows firsthand the dangers involved.

To date, there is no exhaustive list of handgun bullets which have such devastating and penetrating power. The purpose of this bill is to change that by authorizing the Secretary of the Treasury to make three determinations: First, determine the capacity of such vests to protect against bullets in general; second, determine which bullets are now available to the American public which can penetrate protective vests; finally, determine the effectiveness of laws restricting the availability of handgun bullets which can penetrate protective vests.

It is imperative that "cop killer" bullets be identified as soon as possible. Right now "killer bullets" pose a serious threat to all law enforcement officers and public officials. Furthermore, funds nationwide have been invested to provide enforcement officers with bulletproof vests. In fact, these vests are credited with saving at least 400 lives of law enforcement officers annually. If "killer bullets" remain available to the public, our hard-won progress to protect those who defend us from crime will be lost. The public will lose in other ways also. Dangerous criminals will escape more frequently since our failure to act will force law enforcement officials to take less aggressive action out of self-defense. In addition, controversial public officials will present their views in public less frequently. These are costs that society need not absorb.

Finally, Mr. President, this issue should be judged independently from efforts to impose further gun control. I, for one, believe we have gone too far already in restricting the rights of citizens to protect themselves with firearms. As Representative Biaggi pointed out, this is a case of "gun abuse" rather than gun control. However, it is my sincere hope we can begin this study, identify bullets which penetrate protective vests, and ban those that do.

Mr. President, I ask unanimous consent to include at the end of my remarks an article which appeared in the Washington Post entitled "New Bullets for Handguns Pierce Armor, and Police Want a Ban," along with a copy of my proposed bill.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Law Enforcement Officers' Protection Act of 1981".

FINDINGS AND POLICY

Sec. 2. (a) The Congress finds that—

(1) the protection of our Nation's law enforcement officers is essential if we are to continue to have a highly qualified crime prevention force,

(2) three hundred and seventy-nine law enforcement officers were killed with handguns between 1974 and 1978, which represents 68 per centum of all the law enforcement officers killed in that period,

(3) the law enforcement community is increasingly dependent on bulletproof vests for protection against handgun bullets,

(4) law enforcement officers are seriously threatened by the use of certain handgun bullets which are available to the public and capable of penetrating bulletproof vests,

(5) available information regarding both the capacity of various handgun bullets to penetrate bulletproof vests and the risk that the availability and use of such bullets pose to law enforcement officers is not adequate to assist law enforcement officers, States, and the Federal Government to take appropriate action to reduce such risk,

(6) the law enforcement community has expressed deep concern about such risk, and

(7) a study to determine the capacity of handgun bullets to penetrate bulletproof vests will provide information which may lead to saving the lives of law enforcement officers.

(b) It is the policy of the United States to determine the risk posed to law enforcement officers by the availability and use of handgun bullets which have the capacity to penetrate bulletproof vests, so that the Congress can take appropriate action to reduce such risk.

STUDY OF HANDGUN BULLETS

Sec. 3. The Secretary or his designee shall conduct a study to determine the capacity of handgun bullets to penetrate bulletproof vests and the risk posed to law enforcement officers by the availability and use of handgun bullets. Such study shall include a determination of—

(1) which handgun bullets currently available to the public through importation, manufacture, sale, or other transfer are capable of penetrating bulletproof vests commonly used by law enforcement officers,

(2) the capacity of such bulletproof vests to withstand handgun bullets, and

(3) the effectiveness of any provision of law which restricts the availability to the public of handgun bullets which have the capacity to penetrate bulletproof vests commonly used by law enforcement officers.

REPORT OF STUDY

Sec. 4. The Secretary shall submit a report to the President and to each House of the Congress, not later than one year after the date on which funds are first made available to carry out this Act, containing a detailed statement of the findings and conclusions of the study required in section 3, and the recommendations of the Secretary regarding appropriate Federal and State legislation based on such findings and conclusions.

DEFINITIONS

Sec. 5. For purposes of this Act—

(1) the term "bullet" means a round or elongated missile designed to be fired from a firearm,

(2) the term "bulletproof vest" means any commercially available, soft, lightweight body armor,

(3) the term "handgun" means any firearm which has a short stock and which is designed to be fired by the use of a single hand, and

(4) the term "Secretary" means the Secretary of the Treasury.

AUTHORIZATION OF APPROPRIATIONS

Sec. 6. There is authorized to be appropriated $500,000 to carry out the provisions of this Act.

NEW BULLETS FOR HANDGUNS PIERCE ARMOR, AND POLICE WANT A BAN

(By Terrance W. McGarry)

Los Angeles.—Police organizations and their allies in Congress and at least two state legislatures are trying to outlaw the apple green bullets they call "cop-killers."

The bullets, available in all pistol calibers, easily punch through "bullet-proof" vests worn mainly by officers and politicians.

The Kevlar fabric vests, lightweight but strong enough to halt almost all pistol bullets, have proved a boon to police officers and are becoming increasingly common.

But "these frightening bullets eliminate all protection for police officers and public officials who must fear assassination," said California Assemblyman Tom Banes, who plans to introduce a bill when the state legislature reconvenes this month, outlawing the manufacture, possession or sale of the bullets in California. In New York, state Sen. John Calandra has introduced a similar bill that he expects will be approved.

"The problem is, there is no other use for these bullets" other than shooting police officers and assassinating politicians, said Rep. Mario Biaggi (D-N.Y.), who has been trying to outlaw the bullets on the federal level.

Between 1975 and 1978, the latest year for which statistics are available but before the vests became as common as they are now, the vests saved the lives of 250 of the 255 police officers wearing them who were shot in gun battles, Biaggi said. The other five were hit in the head or other unprotected areas.

He has a bill pending before a House committee to commission a study "to identify all such bullets so that ultimately we can enact laws to ban their manufacture and sale," said his spokesman, Bob Biancato.

"If I were an officer on the street, I'd be very fearful of these things," said the International Union of Police Association's West Coast representative, San Francisco officer Gerald Crowley, who witnessed tests of the bullets.

In those tests, he said, "A vest was folded so that it presented four times the normal thickness of Kevlar. A .357-magnum from a distance of 20 feet went through all four layers of the vest and five big city telephone directories behind it."

To date, no police officer or other Kevlar-protected person has been shot with the special bullets, and authorities hope to get the ammunition off the market before there is such a shooting.

Biaggi said he first heard about the armor-piercing bullets "about two years ago from the New York City Patrolmen's Benevolent Association."

Investigators say there are several bullets with similar characteristics, but the best known is the KTW.

It was developed by a doctor and two peace officers in Lorain, Ohio, a shipbuilding town on the shore of Lake Erie.

The bronze bullet, semi-pointed in shape, is coated with Teflon.' Its hardness and shape give it better penetration and the Teflon "slides" it through otherwise impenetrable surfaces.

KTW is named for Dr. J. P. Kopsch, Dan Turcus and Don Ward. Kopsch, the former coroner, now runs the company. Turcus recalled the origin of the bullet:

"We had a shootout in Lorain and the police bullets were just bouncing off the guy's car while he was shooting back at us.

"Dr. Kopsch said he had seen too many shooting cases as a coroner in which the police were at a disadvantage. We got to talking about it and decided policemen should have a bullet that gave them an edge, something they could fire from the pistols they already had and that would shoot right through a car.

"We experimented for years and came up with a material that was twice as dense as lead. The Teflon coating added about 20 percent more penetration—they just slide right through.

"We didn't want to manufacture it, really. We tried to sell it to the U.S. military but they weren't interested.

"Most of our production, when I was with the company, was sold to foreign governments for their police forces, I seem to recall. I heard the East Germans were trying to copy it."

The bullet's developers said they never sold the bullets to civilians, but critics disagree. At least one civilian, who asked not to be identified, told UPI he was able to obtain a large number of the bullets by mail from a California dealer, with no identification required. The dealer denied it, but the source has a collection of KTW bullets.

"You're supposed to be a law enforcement officer to buy these things, the KTW people say, but there simply is no effective enforcement of that restriction," said Craig Floyd, an aide to Biaggi.

"We've contacted law enforcement departments all over the country and they say they have no use for them because they're so dangerous. They go right through darn near anything—people, cars, walls—and hit other things, like a bystander some distance away. Police won't use them because you can't tell where they'll wind up."

A difficulty in drawing up federal legislation, Floyd said, "is that we have heard there are other bullets, besides the KTW, which could also penetrate a Kevlar vest. That restricts our ability to ban the KTW alone, which is why we want a federal study to identify all such bullets."●

ADDITIONAL COSPONSORS

S. 1698

At the request of Mr. DENTON, the Senator from Minnesota (Mr. DURENBERGER), the Senator from Maryland (Mr. MATHIAS), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces Personnel.

S. 1797

At the request of Mr. DOLE, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1797, a bill to provide the private sector training and placement opportunities for residents of enterprise zones, emphasizing the use of community-based organizations and the involvement of small business concerns and for other purposes.

S. 1881

At the request of Mr. SASSER, the Senator from New York (Mr. MOYNIHAN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1881, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

SENATE RESOLUTION 253

At the request of Mr. DOLE, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Resolution 253, a resolution expressing the sense of the Senate on "National Circle K Week."

SENATE RESOLUTION 284—RESOLUTION RELATING TO MINIMUM TAX ON CORPORATIONS

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 284

Resolved, That it is the sense of the Senate that the Secretary of the Treasury explore the possibility of imposing on corporations a minimum alternative tax on tax preferences.

MINIMUM TAX ON CORPORATIONS

● Mr. GRASSLEY. Mr. President, I would like to submit a sense of the Senate resolution asking the Department of Treasury to study the feasibility of instituting an alternative minimum tax on preference items for corporations.

The alternative minimum tax on preferences for individuals applies generally to those taxpayers with large amounts of itemized duductions. This tax is imposed in addition to regular income tax. This tax applies to adjusted itemized deductions and capital gains of taxpayers if it results in a higher tax than the taxpayer would be liable for using the standard methods for computing tax liability.

Items of tax preference are generally those items which are either not subject to taxation because of temporary exclusion from gross income or because of accelerated depreciation or not subject to full taxation because of certain deductions or a special tax rate.

In my view an alternative minimum tax on preference items for corporations deserves study. Congress has come under great criticism for enacting the controversial leasing provisions which permit a corporation to sell tax benefits it cannot use to a corporation which may use them. This provision was inserted in the law to permit corporations in a loss position to take advantage of the benefits of accelerated depreciation. It was also added to prevent the swallow-up of unprofitable companies by other more profitable concerns hungry for tax benefits. While many people feel the company selling or more accurately leasing the tax benefits should be permitted to gain the advantages of the accelerated cost recovery system, few of us are sympathetic to the company acquiring the leasing benefits to net out their tax liability. For that reason, an alternative minimum corporate tax putting a floor on the amount of tax all corporations pay deserves our earnest consideration. Congress enacted the accelerated cost recovery system to encourage business to retool and embark upon productive enterprise, we did not enact this system with the intent of permitting corporations to absolve themselves of their tax liability.

For that reason, I am asking the Department of Treasury to seriously consider a proposal of this nature and I am asking my colleagues to support this legislative endeavor by joining me as co-sponsors of this measure. ●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding mineral royalties previously scheduled before the Committee on Energy and Natural Resources, on Thursday, January 28 at 10 a.m., will begin at 9 a.m. in room 3110 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the committee staff at 224-5161.

SUBCOMMITTEE ON FEDERAL EXPENDITURES, RESEARCH, AND RULES

Mr. DANFORTH. Mr. President, on Tuesday, February 2, 1982, the Subcommittee on Federal Expenditures, Research, and Rules will hold a hearing on the Federal procurement work force. The hearing is scheduled to begin at 9 a.m. and is to be held in room 3302 of the Dirksen Senate Office Building.

The subcommittee has invited witnesses to provide testimony on the following issues: First, demography and role of the work force in the existing procurement system; second, ongoing executive branch efforts to enhance the training and professionalism of the work force; third, the contributions being made by universities, professional associations, and other private sector resources; and fourth, the impact of the work force on the relations between the Government and its contractors. In the months ahead, this subcommittee, and the Congress, will be considering the administration's proposal for a uniform Federal procurement system. We will be working toward a simplified, deregulated system which encourages more participation by businesses large and small within a statutory framework that fosters more competition for the Government's business.

The subcommittee encourages the submission of written testimony by any interested person. Written submissions should be addressed to the Subcommittee on Federal Expenditures, Research, and Rules, 128 C. Street NE., room 44, Washington, D.C. 20510. For additional information, interested persons should contact Pat Otto, chief clerk of the subcommittee, or its procurement counsel, William B. Montalto, at (202) 224-0211.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Foreign Agricultural Policy has scheduled a hearing to evaluate the economic impact of previous agricultural embargoes on both the United States and the embargoed countries. I have invited representatives of the U.S. Department of Agriculture, producer groups, the agribusiness industry, and the academic field to testify.

The hearing will be held on Wednesday, February 3, beginning at 9:30 a.m. in room 324, Russell Building.

Anyone wishing further information should contact Denise Alexander or John Cozart at 224-2035.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a meeting on the budget of the committee on January 27, 1982, in room 6202 of the Dirksen Senate Office Building at 10 a.m.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a meeting on Friday, February 5, 1982, at 10 a.m, in room 301 Russell Senate Office Building. The purpose of the meeting is to receive testimony from Members of Congress and others on the Technology Assessment Act of 1972 and the operation of the Office of Technology Assessment. This hearing will be the first in a series of oversight hearings dealing with the congressional support agencies that provide services directly to the Senate.

Individuals wishing to testify or to submit a statement for the record should contact Mr. Anthony L. Harvey of the Rules Committee staff on extension 4-0291.

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a meeting on Tuesday, February 2, 1982, at 10 a.m. in room 301 Russell Senate Office Building. The purpose of the meeting is to receive testimony from Senators and others on implementation of the postal patron provisions of Public Law 97-69 (S. 1224), relating to the use of the frank.

As this matter relates directly to each Senator's ability to communicate with his or her constituents, I encourage all Senators to express their opinion on the postal patron program to the Rules Committee. Any Senator wishing to testify or to submit a statement for the record should contact Carole Blessington of the Rules Committee staff on extension 4-0278.

At this point I ask unanimous consent that my letter and accompanying materials concerning postal patron mailings that were sent on December 18, 1981, to all Senators be inserted in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON RULES AND
ADMINISTRATION,
Washington, D.C., December 18, 1981.

DEAR SENATOR: On October 28, 1981, President Reagan signed into law S. 1224 (P.L. 97-69), relating to changes in use of the frank.

One of the provisions of Public Law 97-69 extends to Senators the use of simplified forms of address, or postal patron mailings. Senate report 97-155, which accompanied S. 1224, cites four areas for potential cost-savings to the Senate:

(1) Postal patron mail rates are lower.

(2) With the use of postal patron addresses, there is no returned mail. Newsletters returned with address corrections by postmaster, cost 25 cents per piece.

(3) Senate Computer Center costs would be reduced if fewer labels were printed.

(4) Staff used to update mailing lists could be freed for other tasks. A fact sheet giving more information on postal patron mailings is attached.

Public Law 97-69 authorizes Senators to use postal patron mailings 120 days after enactment and following the development of appropriate rules and regulations by the Rules Committee.

To assist the Rules Committee in determining what might be an appropriate number of postal patron mailings to authorize per year and to determine the impact on Senate costs, services, space and personnel, we need your assistance in our planning process.

Would you please take the time to answer the attached questionnaire and return it to the Rules Committee as soon as possible.

Thank you.

Sincerely,

CHARLES MCC. MATHIAS, Jr.,
Chairman.

FACT SHEET

(1) The use of the postal patron program does not require staff resources to maintain mail files. Postal patron mailings can reach every mailbox in the state or can be targeted by zip code or even by carrier route.

(2) The current level of newsletter production in the Senate is approximately equal to one statewide postal patron mailing to every mailbox in the state per Senator per year.

(3) Elimination of the current system of individualized addresses for newsletters in favor of one statewide postal patron mailing per Senator could result in a net postage savings to the Senate of over $5,000,000 per year (based on maximum participation in the postal patron program vis-a-vis Third Class Bulk Sort).

(4) More than one postal patron mailing per year or even one postal patron mailing plus the current use of individualized addresses for newsletters will require an additional appropriation of funds.

(5) Comparison of postal rates per piece:

[In cents]

	1st class	3d class bulk sort[1]	Postal patron
Base rate	20	9.3	2.9
(Returns) address correction requested	25	25	0
(Returns) undeliverable mail returned (for destruction)	0	10.9	0
Express mail sack surcharge average	1.3	1.3	1.3

[1] Third class bulk sort program began Aug. 10, 1981, prior to which all Senate mail went at the first class rate. Currently, over 60 percent of Senate mail qualifies for the 9.3 cents rate.

QUESTIONNAIRE

POSTAL PATRON NEWSLETTERS

I. A. How many times per year do you issue newsletters? ——

B. What is the quantity mailed each issue? ——

II. Do you plan to use postal patron mailings. Yes — No —

If yes:

A. How many times per year would you like to be able to make a statewide postal patron mailing? ——

B. Would you anticipate using postal patron mailings:

Exclusively? ——

In combination with individually addressed newsletters? ——

III. If you had to make a choice:

Would you use individually addressed newsletters only? ——

Or Would you use postal patron mailings only? ——

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF SAM RAYBURN'S BIRTH

● Mr. BENTSEN. Mr. President, earlier this month, on January 6, I traveled to Bonham, Tex., and took part in ceremonies marking the 100th anniversary of Sam Rayburn's birth

Bonham is Sam Rayburn's hometown and the site of the very impressive Sam Rayburn Library. The Speaker is still remembered with great fondness by the people of Bonham whom he served in the House for over half a century.

I have always felt that Sam Rayburn represented much of what is finest and most noble about our American experience. He symbolized the spirit of commitment, deep personal integrity, and sense of service that is so essential to our democratic, representative form of government.

Sam Rayburn was one of the most effective and respected legislative leaders in the history of America. He was also a close personal friend who taught me a great deal about the House of Representatives when I arrived there as a freshman Congressman from the Rio Grande Valley back in 1948.

I found that one of the most impressive aspects of the ceremonies in Bonham was the degree to which The Speaker touched the lives of those who knew and worked with him. Everyone who was a friend of Sam Rayburn has a special story or antedote that illustrates his warmth as an individual and his single-minded dedication to public service.

One of the most moving and eloquent rememberences I heard at Bonham was spoken by Lady Bird Johnson who knew and admired Sam Rayburn throughout much of his career. Mrs. Johnson has managed to catch some of the magic of Sam Rayburn, and I ask to have her remarks printed in the Record.

Remarks of Mrs. Lyndon B. Johnson at Sam Rayburn Birthday Centennial

One hundred years! Can it really be that long for a man who is so fresh in the minds of all of us—a man who was the essence of faith in this country and its destiny—optimistic about our future—a man who lived his patriotism.

How comforting it is to me to know that we produced leaders like that. The legacy he left me—left all of us—I think is reassurance about our country and our form of Government. Can it be 21 years since he died?

For the thousands of us who remember him so vividly, he is ever present in the U.S. Capitol. I can still see him walking through the corridors, a brown felt hat on his head, set deep into his broad shoulders, taking an envelope out of his pocket and making a note on it if someone stopped him. He walked through the Capitol and his district like a man driving a wagon, pulling up the rein to talk.

He had the simple power and honesty of someone who believed in the simple goodness of people, from the day he set foot in the Capitol in 1913 he never flinched from the word "Government." In his maiden speech to the House of Representatives, he made that clear:

"It is now my sole purpose here to enact such wise and just laws that our common country will be a happy and more prosperous country."

And for 48 years he labored for that purpose, breaking the stranglehold of the greedy, with the Holding Company Act, and whole staccato of new deal legislation that lifted the Nation out of the depression and got it moving.

When I came as a young bride to Washington, Lyndon already knew Mr. Sam. He had told me of the first time he had met him.

Lyndon was secretary to Congressman Kleberg and was very sick in a Washington hospital. Suddenly, there in the doorway was Mr. Rayburn saying: "Son, I am an old friend of your father's and I just wanted to drop by and see how you are." His dealings with people were always just that kind and direct.

Years later, after Pearl Harbor, when Nellie Connally and I were saying goodbye to our husbands as they left for the Pacific, the Speaker was there with us at the depot. As the train pulled out (and we were feeling so forlorn) the Speaker turned to us and said, "Now girls, we're going out and get the best dinner in town."

Years later, Lyndon and Mr. Sam and I were riding through the fall foliage of Virginia on a Sunday afternoon. Suddenly we came out on a slope to a breathtaking view of that great white glistening U.S. Capitol. He said with pride: "Lady Bird, how do you like my Capitol?" He felt intensely possessive about that Capitol and all that happened there. He believed that building must belong to every American in a very personal way.

I came to Boham when he proudly dedicated the Sam Rayburn Library. There are a thousand stories in that Library, a thousand lessons in Government for students of History, for writers, and just plain Americans. The library is filled with rich resources to be mined—stories of our Nation's heartaches and triumphs covering 48 years—about a fourth of the Nation's lifetime—covering eight Presidents—from Woodrow Wilson to John F. Kennedy

I remember how impressed Lyndon was with the Speaker's collection of the Congressional Record, dating back to the First Congress in 1798. Other than the Library of Congress, this library in Bonham has the only complete set in the Nation.

I came back to Bonham the day he died in 1961 with Lyndon and met the people of Texas' Old Fourth—the beloved district of that beloved man—as they came to pay their respects at that white wooden farm house that sits here on the black, waxy farm land of north Texas.

I remember how rough and worn were the hands—the hard working hands—hands of character—and how tender their voices when they spoke of "Sammy" or "the Speaker". Many had known him as a boy and had sent him to Austin and then to Washington. He made Government come alive and serve them.

This morning, I stood on the steps of his "Athens on the hill"—his library looking west to the Cotton Gin and the Willow Wild Cemetery. There Sam Rayburn is buried—in the family plot with eight of his brothers and sisters. Each grave has a small grey granit marker—all the same. His own marker reads simply "Mr. Sam (1882-1961)." A small gavel is etched in the stone.

I used to think it needed to say a lot more, at least a line that gave the essence of him—"He voted for the folks"—but Sam Rayburn was a man who needs no embellishment.●

AMENDMENT OF TAX LEASING PROVISIONS OF 1981 TAX CUT

● Mr. LUGAR. Mr. President on January 25, I introduced legislation to sunset the tax leasing provisions of the 1981 Tax Act on September 30, 1982.

Mr. President, these new rules, which permit corporations to sell tax breaks to each other, have drawn a lot of deserved criticism over the past few months. A number of newspaper editors, public officials, and Members of Congress have seized the opportunity to denounce this provision as a half-baked idea which allows large profitable companies to take investment credits and accelerated deductions, leaving the small umprofitable companies to nibble at the leftovers.

The authors of this provision, pointed out the likelihood that a large number of companies would be unable to take advantage of new investment incentives. They further argued that, without this provision, a taxable company might be encouraged to acquire a company with no taxable income solely for the purpose of employing its unused tax credits.

While there may have been reasonable basis for proposing these new rules, in practice they simply have not worked.

Recent experience reveals that for the most part only the largest corporations have taken advantage of this provision. Since one of the primary justifications of new law was that it would help smaller companies otherwise unable to invest in new equipment, the predominant use of this system by large corporations is disturbing.

In addition, considerable doubt remains as to how much benefit from the leasing arrangement is actually reaching the intended beneficiary—the nonprofitable company. Some have claimed that as much as 80 percent of the benefits are siphoned off by the taxable corporation and intermediaries, leaving only 20 percent of the benefits to the unprofitable company. A more reasonable estimate, based or recently completed leasing arrangements as a basis for judgment would be that about two-thirds of the benefits are finally realized by the unprofitable company. Even this division of benefits would represent an inefficient means of helping nonprofitable companies.

The most compelling reason for putting aside this new provision is its prohibitive expense. Even conservative estimates place its cost to the Federal Treasury for fiscal year 1981-86 at $29.1 billion. Many analysts believe the actual figure will come to twice that amount. In view of the deficits now anticipated for those years, an imperfect arrangement like this one is an unaffordable luxury.

Finally, although these new rules were part of a tax package which was considered by the Senate Finance Committee late last year, they were passed in great haste. Certainly a program of tax advantages worth at least $29.1 billion requires full debate in the

Congress, debate that is more thoughtful than last year's.

It may surprise some to learn that tax leasing is not a new addition to the tax code. In fact, the practice of tax leasing has been in use since the birth of the investment tax credit. These old rules, devised in 1962, had the effect of limiting the frequency of the leasing arrangements.

Last year's legislation requires that all parties to a leasing arrangement file pertinent information with the U.S. Treasury. Congress will shortly have before it more detailed data with which to evaluate the merits of this provision.

My bill would open the debate on the entire scope of this issue, forcing Congress to determine whether leasing ought to be restricted in the manner prescribed by the old rules or whether it ought to be terminated altogether.

My bill sets the date for the expiration of this provision as September 30, 1982. Without penalizing those companies who have already made long-term capital commitments on the basis of new law, it would leave no doubt as to the future of these new rules.

Most importantly, it will give the Senate Finance Committee ample opportunity to review the entire area of tax leasing, with the most accurate information available.

Mr. President, I believe that every tax provision should bear the burden of proving its merit under an established time frame. Since we have not yet chosen to apply the "sunset" principle to the tax code generally, perhaps we can try it on this one section. Unless leasing can be justified by a year's experience and passed again in the light of day, it should be terminated.●

A TRIBUTE TO DANIEL WEBSTER

● Mr. **HUMPHREY**. Mr. President, January 18, 1982, marked the 200th anniversary of the birth of Daniel Webster of New Hampshire, an American who made his imprint on this country's history through his great skills as an orator, lawyer, and statesman. Too often, we forget the contributions of Americans of earlier generations, and I feel that it is important to take this opportunity to remember and honor this great American.

Daniel Webster was born in Salisbury, N.H., the son of an early revolutionary leader. Fortified by his father's steady encouragement, he attended Phillips Exeter Academy and Dartmouth College in New Hampshire. Subsequently, he studied law and, after a brief period of teaching to support his brother's education, began to practice law in Portsmouth, N.H. It was during his 9 years in Portsmouth that Webster became more and more drawn into politics. He spoke often of his devotion to the bonds of our Federal Union and was especially articulate on economics and public finance, arguing diligently for the protection of New England's shipping industries. Using his superior forensic abilities, he sought to arouse those inclined to sit still and sigh at the depravity of the times. He represented Massachusetts in Congress beginning in 1812, and began his long career in the U.S. Senate in 1827.

Although Webster frequently found himself in opposition to the administration he worked with, he was a patriot, not a partisan, deciding each measure on its merits and not its point of origin. He was admired as a practical statesman, recognizing concession as a method to resovling warring views. When criticizing measures, he argued constructively, offering alternative ideas and plans. It was during his term as Senator that he came to be known as defender of the Constitution. Serving as Secretary of State under Presidents Harrison and Tyler, he demonstrated his outstanding characteristics of tact and dignity in resolving many delicate diplomatic tangles.

While conducting his political career, Webster continued to practice law, earning broad recognition as a gifted and committed lawyer. He was often retained by the Supreme Court, arguing brilliantly in cases that involved grave constitutional issues, including McCulloch against Maryland, Gibbons against Ogden, and Osborn against Bank of the United States.

Daniel Webster was a man of foresight, dedication, and action. His zeal and perseverance not only left a lasting impression on early 19th century America but have also inspired Americans ever since. I am proud to have the use of this distinguished American's desk here on the Senate floor.●

THE IMPACT OF REGULATORY REFORM ACT ON THE INDEPENDENCE OF THE FEDERAL RESERVE BOARD

● Mr. **GLENN**. Mr. President, last week I sent a letter to President Reagan expressing my concern over the potential impact of the pending Regulatory Reform Act (S. 1080) on the independence of the Federal Reserve Board and other independent agencies. Inasmuch as President Reagan had stressed the autonomy of the Federal Reserve Board in his press conference and stated that the policy of his administration toward the Agency is one of neutrality, I called on the President to support an amendment that I intend to offer to S. 1080 to maintain the independence of the Fed and other similar agencies such as the Security and Exchange Commission, the Nuclear Regulatory Commission, and the Federal Election Commission. I would request that a copy of that letter be included in the RECORD following my remarks. I submit for the RECORD a copy of a letter from Federal Reserve Board Chairman Volcker expressing concern regarding the executive oversight provisions of S. 1080.

My amendment, which I hope to introduce this week, will be similar in thrust to that which was unanimously adopted by the Governmental Affairs Committee when it reported S. 1080.

The letters follow:

COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES,
Washington, D.C., January 21, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your remarks at your press conference on Tuesday and subsequent statements by White House spokesmen to the press indicated that in your view the Federal Reserve Board is entirely "autonomous" and that the policy of your Administration towards the Fed is one of "neutrality".

At the Senate Governmental Affairs Committee mark-up of the Regulatory Reform Act of 1981 (S. 1080) and other negotiations on this legislation, White House spokesmen have expressly indicated, however, that Reagan Administration policy is to obtain and exercise greatly increased authority over the Federal Reserve Board and other independent regulatory agencies' rulemaking activities. In essence the authority sought, contained in the Executive Oversight provisions of the bill (section 624), would require the Federal Reserve Board and these other agencies to submit all their major rules to the Office of Management and Budget for screening, prior to issuance in proposed or final form. This practice has already been implemented with respect to Executive Branch agencies pursuant to your Executive Order on Regulatory Relief (E. O. 12291) and I understand that under this authority OMB has already rejected numerous pending regulations.

Chairman Volcker, and the heads of many other independent agencies, have strongly objected to this proposed change in their rulemaking practices as a significant intrusion on their independence of action. In Chairman Volcker's words to the Senate Governmental Affairs Committee Chairman Roth, commenting on S. 1080:

"There is an additional reason to be concerned about the provisions for executive oversight in the rulemaking process, particularly with respect to the operations of the Federal Reserve system. As I know you are aware, Congress created the Federal Reserve System in 1913 as an independent entity in order to emphasize the insulation of the credit regulation process from the function of financing the government. Long experience demonstrates that the separation of these two functions can make a vital contribution to a more stable and effective domestic monetary system. Therefore, I would be particularly concerned about executive oversight as applied to the functions of the Federal Reserve System."

Let me add, that my preliminary inquiries to the Fed indicate that by controlling the agency's rulemaking functions, OMB might be able to have a substantial effect on monetary policy, the center of the Fed's independent sphere of activity.

At the Committee's mark-up I offered an amendment to S. 1080 that would significantly reduce the impact of the bill's Executive Oversight provisions on these independent agencies. The amendment was accepted unanimously. However, for parliamentary reasons it will be necessary for me to re-introduce such an amendment on the Senate floor when the Senate takes up the Regulatory Reform Act next month.

There have been strong indications in the press from OMB officials that the Administration will oppose my amendment. In light of your remarks on Tuesday, and those of White House spokesmen I mentioned earlier, I hope I am correct that these prior OMB statements are erroneous and that the Administration stands behind the continued independence of the Federal Reserve System and that of the other agencies to which Congress has granted independent status.

If such is the case, I would look forward to your support for my amendment to the Regulatory Reform Act when it is addressed by the Senate next month.

Best regards.

Sincerely,

John Glenn.

Board of Governors of the Federal Reserve System,
Washington, D.C., September 10, 1981.
Hon. William V. Roth, Jr.,
Chairman, Committee on Governmental Affairs, Washington, D.C.

Dear Chairman Roth: I am pleased to submit views regarding the executive oversight provisions in S. 1080, the "Regulatory Reform Act," as you requested in your letter dated July 30, 1981.

The executive oversight provisions of S. 1080 (new section 624 of Title 5 of the United States Code) would authorize the President, or an officer to whom he delegated this authority, to monitor, review, and ensure agency implementation of the "major rule" procedural requirements of S. 1080 (new sections 621 and 622 of Title 5) and to report annually to Congress on agencies' compliance with these requirements. The President's exercise or nonexercise of this oversight authority would not be judicially reviewable.

"Major rule" is defined in S. 1080 as a rule that causes or is likely to cause "an annual effect on the economy of $100 million or more in direct or indirect enforcement and compliance costs"; or likely to result in a substantial increase in costs or prices or cause "significant adverse effects on competition, employment, investment, productivity, innovation, the environment, public health or safety, or the ability of enterprises where principal places of business are in the United States to compete in domestic or export markets," or "other effects that warrant subjecting the rule to a regulatory analysis. . . ."

The "regulatory analysis" that would be required for all major rules must contain a complex, detailed description and comparison of the benefits and costs of the rule, and of reasonable alternatives to the rule, based upon a detailed record. In addition, except where a statute directs otherwise, the analysis must also explain why the benefits of the rule justify its costs, and why the rule is more cost-effective than the alternatives in achieving the objectives of the rule.

Since the executive oversight provisions would apply to implementation of the "major rule" concept, I believe it would be appropriate to review the necessity for adopting this proposal. As I understand it, when the major rule concept applied, it would require the addition to the regulatory process of a series of detailed and complex cost benefit analyses. I am concerned that these new requirements will result in a substantial increase in paperwork, additional costly informational burdens on both the agency involved and the public, judicial challenges, and, most important, lengthy delays, in administrative action. It is my judgment that the objectives of regulatory simplification and avoidance of unnecessary regulation would not be accomplished by an additional layer of administrative requirements.

Executive oversight as applied to this "major rule" concept would add still another unnecessary complexity. However, there is an additional reason to be concerned about the provisions for executive oversight in the rulemaking process, particularly with respect to the operations of the Federal Reserve System. As I know you are aware, the Congress created the Federal Reserve System in 1913 as an independent entity in order to emphasize the insulation of the credit regulation process from the function of financing the government. Long experience demonstrates that the separation of these two functions can make a vital contribution to a more stable and effective domestic monetary system. Therefore, I would be particularly concerned about executive oversight as applied to the functions of the Federal Reserve System.

This is not only true because of the broad policy considerations I have just outlined, but also because of the fact that this would run directly counter to one of the major objectives that Congress sought to achieve in creating specialized agencies. The significant mandate that the President would receive under the executive oversight concept to interfere in the regulatory process could significantly defeat the purpose of assuring regulation based on expert judgment on the merits of both general policy and particular cases.

This is not to say, of course, that the regulatory process should not be subject to Congressional scrutiny and to the requirement of the adoption of every step feasible to lighten and simplify the existing regulatory burden as well as the avoidance of unnecessary regulation in the future. These objectives, I wish to reemphasize, can be achieved most efficiently by analysis of individual agency functions rather than through the adoption of new, across-the-board requirements that rigidify and expand regulatory burdens as well as impair basic Congressional policies calling for regulatory independence and expertise through the multiplication of decision-making layers.

I appreciate having had this opportunity to offer these comments on S. 1080.

Sincerely,

Paul A. Volcker.●

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Cochran). Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 97-133)

The PRESIDING OFFICER. Under the previous order, the hour of 8:40 p.m. having arrived, the Senate will now proceed in a body to the Hall of the House of Representatives to hear an address by the President of the United States and following the joint session, will stand in recess until 10 a.m. on Thursday.

At 8:40 p.m., the Senate, preceded by the Sergeant at Arms, Howard Liebengood; the Secretary of the Senate, William F. Hildenbrand; the Vice President, and the President pro tempore, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Ronald W. Reagan.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's Record.)

RECESS UNTIL 10 A.M. THURSDAY, JANUARY 28, 1982

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:54 p.m., the Senate recessed until Thursday, January 28, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1982:

The Judiciary

Leroy J. Contie, Jr., of Ohio, to be U.S. circuit judge for the sixth circuit, vice Anthony J. Celebrezze, retired.

Elizabeth A. Kovachevich, of Florida, to be U.S. district judge for the middle district of Florida, vice George C. Young, retired.

Department of Justice

Julio Gonzales, of California, to be U.S. Marshal for the central district of California for the term of 4 years, vice Louis G. Villaescusa, retired.

Richard L. Cox, of Florida, to be U.S. Marshal for the middle district of Florida for the term of 4 years, vice George R. Grosse, resigned.

Carlos C. Cruz, of Florida, to be U.S. Marshal for the southern district of Florida for the term of 4 years, vice Donald D. Forsht, term expired.

M. Clifton Nettles III, of Georgia, to be U.S. Marshal for the southern district of Georgia for the term of 4 years, vice James C. Murphy, Jr., term expired.

Eugene G. Liss, of New Jersey, to be U.S. Marshal for the district of New Jersey for the term of 4 years, vice Carl E. Hirshman, resigned.

Rudolph G. Miller, of New Mexico, to be U.S. Marshal for the district of New Mexico for the term of 4 years, vice Bennie A. Martinez, resigned.

Gene G. Abdallah, of South Dakota, to be U.S. Marshal for the district of South Dakota for the term of 4 years, vice Edward P. Gribbin, term expired.

DEPARTMENT OF STATE

Walter J. Stoessel, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service with the personal rank of Career Ambassador, to be Deputy Secretary of State, vice William P. Clark, resigning.

Lawrence S. Eagleburger, of Florida, a Career Member of the Senior Foreign Service, class of Career Minister, to be Under Secretary of State for Political Affairs, vice Walter J. Stoessel, Jr., resigned.

Powell Allen Moore, of Georgia, to be an Assistant Secretary of State, vice Richard Fairbanks, resigned.

Michael Hayden Armacost, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Keith Lapham Brown, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Anthony Cecil Eden Quainton, of Washington, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

Howard Eugene Douglas, of Virginia, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large while serving in this position.

Maynard W. Glitman, of Vermont, for the rank of Ambassador while serving as Department of State Representative and Deputy Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations.

INTER-AMERICAN DEVELOPMENT BANK

Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank, vice Eugene Jay Finkel, resigned.

ENVIRONMENTAL PROTECTION AGENCY

Frederic Arnold Eidsness, Jr., of Colorado, to be an Assistant Administrator of the Environmental Protection Agency, vice Eckardt C. Beck, resigned.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1985, vice Ethel Bent Walsh, term expired, to which office she was appointed during the last recess of the Senate.

FEDERAL ELECTION COMMISSION

Joan D. Aikens, of Pennsylvania, to be a Member of the Federal Election Commission for the remainder of the term expiring April 30, 1983, vice Vernon M. Thomson, to which office she was appointed during the last recess of the Senate.

Lee Ann Elliott, of Illinois, to be a Member of the Federal Election Commission for a term expiring April 30, 1987, vice Joan D. Aikens, term expired, to which office she was appointed during the last recess of the Senate.

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 1987, vice Robert O. Tiernan, term expired, to which office he was appointed during the last recess of the Senate.

INTERSTATE COMMERCE COMMISSION

J. J. Simmons III, of New Jersey, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985, vice Thomas A. Trantum, resigned.

MERIT SYSTEMS PROTECTION BOARD

Herbert E. Ellingwood, of California, to be a Member of the Merit Systems Protection Board for the remainder of the term expiring March 1, 1986, vice Ruth T. Prokop, resigned, to which office he was appointed during the last recess of the Senate.

Herbert E. Ellingwood, of California, to be chairman of the Merit Systems Protection Board, vice Ruth T. Prokop, resigned, to which office he was appointed during the last recess of the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

William J. Bennett, of North Carolina, to be chairman of the National Endowment for the Humanities for a term of 4 years, vice Joseph D. Duffey, term expired, to which office he was appointed during the last recess of the Senate.

POSTAL RATE COMMISSION

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 16, 1986, vice Clyde S. DuPont, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate, January 26, 1982:

Robert N. Smith, of Ohio, to be an Assistant Secretary of Defense, vice John Howard Moxley III, resigned, which was sent to the Senate on September 4, 1981.

EXTENSIONS OF REMARKS

ARMS CONTROL NEGOTIATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to an editorial written by Stanley R. Sloan which appeared in the Baltimore Sun on December 18, 1982.

Mr. Sloan's thoughtful piece focuses on possible negotiating strategies and approaches to the Geneva talks with the Soviet Union on reducing intermediate range nuclear arms in Europe. Progress and success in these negotiations can be critically important to our security and the security of our allies in Europe. I hope that our negotiators in Geneva and our policy planners here in Washington are carefully scrutinizing a variety of negotiating strategies and approaches, such as those articulated by Mr. Sloan, which might help provide the necessary framework and environment to achieve a U.S.-Soviet agreement on reduction and limitations on intermediate-range nuclear arms.

The article follows:

[From the Sun, Dec. 18, 1981]

DEADLOCK IS NOT INEVITABLE

(By Stanley R. Sloan)

REDUCING NUCLEAR [illegible] IN EUROPE

American and Soviet officials have settled in behind closed doors in Geneva to begin what promises to be a difficult and potentially fruitless attempt to limit nuclear weapons in Europe. According to their respective spokesmen, the two sides opened talks in a "business-like" and "constructive" fashion. But they also began with widely divergent perspectives on the current balance in medium-range nuclear systems and, therefore, on the outcome that would be acceptable to each.

President Reagan announced on November 18 that the United States would seek elimination of all intermediate-range Soviet nuclear missiles in return for cancellation of NATO's decision to deploy 572 new cruise and Pershing II ballistic missiles in Europe. This was the so-called "zero-option." In so doing, the president claimed that the Soviet Union has a 6-to-1 advantage over the United States in intermediate-range nuclear weapons systems in the European theater (as in "European theater of war").

Leonid Brezhnev, the Soviet leader, rejected President Reagan's proposal. Mr. Brezhnev said that the Soviet Union was prepared to reduce drastically—but not eliminate—its intermediate-range missiles if NATO would forego plans for its new systems. Mr. Brezhnev also rejected President Reagan's assessment of the balance. By Moscow's count, there is an approximate balance of the weapons in question.

Of course, both sides have been careful to tailor their descriptions of the balance to fit their negotiating positions. For example, the Soviet Union has counted French and British nuclear systems in the balance, while the United States has not. And Moscow's balance includes America's Pershing I missiles in Europe—which lack the range to strike Soviet territory—but excludes Soviet aircraft and some missiles which can strike many West European targets. The Soviet union also includes U.S. carrier-based aircraft in its calculations while the United States does not.

From these divergent concepts of the balance, both sides claim to seek eventual parity in intermediate-range nuclear weapons systems. If they persist in this objective without changing the way they calculate the balance, generations of negotiators could travel to Geneva without ever reaching agreement.

Attempting to define a theater nuclear balance for Eurpoe is, after all, somewhat of an artificial exercise. The United States can, and in fact intends to, use a portion of its stragetic forces for "European" missions if war should come. The Soviet Union can target part of its strategic forces on European targets. The United States already has announced that it intends to deploy hundreds of sea-launched nuclear cruise missiles on ships and submarines. One presumes that the Soviet Union eventually will follow suit. In such a case, the deployment patterns of these ships could tip the balance in different directions on any given day.

Are the negotiations therefore destined to fail? Not necessarily. Agreement could be reached if the two sides would seek accord based on realistic definitions of their security requirements, rather than on the basis of their initial concepts of the elusive theater balance.

Richard Perle, assistant secretary of Defense for policy, recently told a congressional committee that the United States has carried no "fallback" position into the negotiations. This is not an unreasonable early posture for an official responsible for obtaining the best possible agreement for the United States. But given the vital national interests that could be served by successful negotiations, both Soviet and American policymakers might well benefit from unofficial consideration of alternatives ot the "balance of forces" negotiating approach.

One alternative would be to start from certain postulated security interests of the two sides, and then to derive possible negotiating outcomes from those postulates.

U.S. security interests might, for example, be defined as requiring the following basic objectives:

1. Arms control objectives

To reduce Soviet capabilities sufficiently to deny the Soviet Union confidence in its ability to launch a nuclear attack on the West or to launch a conventional attack under the cover of theater nuclear supremacy.

2. Armament objective

To strengthen linkage between Western Europe and the U.S. strategic guarantee, in effect warning the Soviet Union that no limited victories could be obtained in Europe without risking nuclear disaster.

Soviet interests, on the other hand, might be defined as including the following objectives:

1. Arms control objectives

To prevent the West from deploying systems which could, with little warning, destroy the Kremlin and other Soviet decision-making centers—a capability which the Soviet Union apparently fears the West would obtain by locating Pershing II missiles in West Germany.

2. Armament objective

To maintain sufficient intermediate range theater forces to deny the West the ability to control the "ladder of escalation" in any conflict and to balance a nuclear threat from China.

If the two sides were to accept such a definition of their negotiating objectives, then it might be possible to conceive of a negotiating outcome which satisfied the goals of both sides.

The elements of such an outcome would necessarily include large reductions of Soviet intermediate missiles. (For example, elimination of all obsolescent SS-4 and SS-5 missiles; reduction of SS-20 missiles to about 100, with only a portion of those permitted to be deployed West of the Urals. By Western count, the Soviets now have deployed more than 250 SS-20 missiles, 175 of them against NATO.) In return, the United States would cancel deployment of the (108) Pershing II missiles while reducing the planned deployment of cruise missiles (to about 200, for example, instead of the 464 now planned).

Such an initial agreement would appear consistent with both U.S. and Soviet security interests while at the same time constituting the first step in a progressive series of reductions of nuclear weapons in Europe.

Of course, steps would have to be taken to prevent circumvention of the agreement. If American intelligence officials judge that they cannot verify compliance of such an accord with "national technical means"—which usually means satellites in orbit—then more intrusive forms of inspection will be required. The Soviet Union may have to discard some traditional phobias as the ultimate proof of its interest in nuclear arms control.

Furthermore, other systems cannot be allowed to fill the gap created by the initial limitations. The agreement would have to freeze levels of all other U.S. and Soviet land-based nuclear-capable aircraft and shorter-range missiles.

And, it remains all too clear that no agreement on theater systems will be viable unless it is accompanied by progress toward limitations on strategic nuclear arms. In particular, limitations on land-based missiles would be of very little benefit to anyone if they are accompanied by a new U.S.-Soviet race to deploy more nuclear weapons at sea.●

THE RIGHT TO VOTE TO BE DEBATED AGAIN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GARCIA. Mr. Speaker, on Wednesday, January 27, 1982, the Senate Subcommittee on Constitution will hold hearings on the extension of the Voting Rights Act. Toward the end of the 96th Congress, this House

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

voted against numerous crippling amendments to the extension of the Voting Rights Act. In addition, this House, by a surprising, but welcome vote of 389 yeas and 24 nays, accepted the House Judiciary's version on one of the most important pieces of civil rights legislation ever passed in our country. By this overwhelming vote, we sent a signal to the Nation and the administration that the present law governing voting rights must be extended and it must be extended effectively, efficiently, and equally. The administration, in its insensitive and confusing manner, has requested a delay in the hearings on the House version of the Voting Rights Act. With this action the administration has played a shell game with the civil rights of Americans.

The bill that this House overwhelmingly passed has been introduced in the Senate with 61 cosponsors. This is a clear indication that the House bill will pass the Senate if given a chance to do so. However, we have an administration that sends out confusing and inconsistent statements: I offer the issue of tax-exempt status for private schools as a clear example. To further cloud and befuddle the public, the administration has stated that it will offer its own version of the Voting Rights Act, ignoring the complete support H.R. 3112 has received from an overwhelming segment of our society and the clear bipartisan support our bill has in both Houses of Congress. I call upon the President to be more forthright and sincere with the public. Furthermore, I urge the public and my fellow colleagues to express their concern to the President and to exhort him to support H.R. 3112, Senate version S. 1992, as clearly accepted by the representatives of the people.●

THE VOTING RIGHTS ACT EXTENSION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. **EDWARDS** of California. Mr. Speaker, Prof. Howard Ball, head of the political science department at Mississippi State University makes a convincing case for Senate approval of the Voting Rights Act Extension in the following article from the January 26 edition of the Washington Post.

I commend its perusal to my colleagues.

The article follows:

MISSISSIPPI'S VOTING WRONGS

(By Howard Ball)

STARKVILLE, Miss.—Friends of mine in Mississippi argue that the 1965 Voting Rights Act is no longer needed here. "Look how many blacks are voting," they say to me, pointing to an increase from 30,000 to 300,000 in the number of blacks registered to vote in Mississippi since 1965. But I know, and so do they, that the important question is not numbers but the consequences of this quantitative change.

For a black living in Tunica County, Miss., what good does it do to vote? The 1980 census showed a 73 percent black majority in that county, yet all five county supervisors—the chief policy-making agents—were white. And Tunica County is not an isolated situation; of the 22 majority black counties in Mississippi, eight have no black representation on the boards of supervisors and only two have black majorities on the boards: Clairbone County (75 percent black) and Jefferson County (82 percent black).

There are a number of "voting wrongs" still used by the white power structure in Mississippi that account for this situation:

At-large elections. Multi-member legislative districts with at-large elections are created in areas of black population concentrations. Given the fact that there are twice as many whites registered as blacks (690,272 to 304,146), the at-large election almost always leads to white candidates' winning the election.

At the county level, 35 of the 82 counties in Mississippi have made efforts to switch to at-large elections for county boards of commissioners or county school boards because of the increase in black voter registration.

Forty-six towns have attempted to go to at-large municipal elections to prevent the election of a black city council member.

Gerrymandering. Fourteen counties have attempted to gerrymander county supervisors' districts in order to dilute black voting strength. As a consequence, in a state with about 35 percent black population, there are 27 black county supervisors (7 percent) out of a total of 410.

Blocking black independent candidates from running in statewide elections. There have been a number of attempts to achieve this end including an open primary bill that has been introduced in the Mississippi legislature in 1966, 1970, 1976, 1979.

Making elective offices appointive ones when blacks start to win them.

Annexing white subdivisions to municipalities in order to dilute the black vote, e.g., the city of Jackson's annexations in 1960 (90 percent white), 1971 (85 percent white), and 1976 (74 percent white).

Switching polling places literally the night before an election. This is the voting reality in Mississippi.

Pointing to the numerical increase in black voting, therefore, while overlooking these strategies (and others, including economic coercion in rural delta communities where the white cotton manager is still the boss) for diluting the black vote, does not capture the state of voting affairs in Mississippi.

Sixteen years after the passage of the 1965 Voting Rights Act, efforts continue to discriminate against blacks and other minorities. Were it not for the presence of the Voting Rights Act, many of the strategies described above would have a devastating impact on black voting in Mississippi.

In particular, were it not for Section 5, the "preclearance" section of the Voting Rights Act, there would have been a total destruction of the black voter's impact on elections in Mississippi. Section 5 was placed into the act to prevent communities from changing voting procedures in such a way that there would be a dilution of the black vote.

The purpose and effect of every voting change proposed by any community in Mississippi must be examined by the Department of Justice in Washington. If the reviewer (and *there are only about 20 persons* handling the thousands of preclearances received by the department annually) determines that the proposed voting change would have the purpose or effect of diluting the votes of blacks or other minorities, then the department will object to that change. (There have been 77 such Mississippi election laws objected to by the Justice Department—40, more than half the total, since 1975! I point this fact out to my friends in Mississippi who claim that things have gotten better in recent years.)

Many of the voting wrongs described above have been objected to by the Justice Department. In some instances, the local power-holders accepted the judgment and did not implement the change; in other instances, local municipalities simply ignored the objection and annexed, redistricted or changed to at-large elections. This has led to litigation in federal court, where the Justice Department, as plaintiff, must bring suit to enjoin the community from implementing an electoral change already objected to by the department!

The Voting Rights Act has been somewhat successful in enabling blacks to register and vote, but it has not yet convinced many people that the right to vote is a constitutional right and not a matter of white privilege. Until there is an acceptance on the part of white folk in Mississippi that we all have the constitutional right to vote, the Voting Rights Act is desperately needed, especially the preclearance provision of the act.●

HOW THE DEMOCRATS CAN GET BACK INTO THE GAME

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. **PEYSER**. Mr. Speaker, on Sunday, January 24 the New York Daily News printed an Op/Ed piece I authored. I would like to share the full text of this article with my colleagues, and ask that it be inserted in the RECORD at this point.

[From the New York Daily News, Jan. 24, 1982]

HOW THE DEMOCRATS CAN GET BACK INTO THE GAME

(By Representative PETER PEYSER)

Democrats in the Congress have just finished a year of being on the defense. In football terms, we have been pushed all over the field and, have been sacked every time we've had the ball.

But if the Jets and the Giants can make the kind of comeback they have, certainly we can do the same in the year ahead.

Let's take a look at what is going to happen in 1982 on the domestic scene as a result of what the Reagan Administration has done in 1981. These are the unhappy facts: there will be a cutback in benefits for our senior citizens, not only in medical programs such as medicare, but in operation of senior centers and nutrition programs; there will be a dramatic cutback on aid to the handicapped; there will be an increase in the flow of drugs into the country due to cuts in the budgets of the Drug Enforcement Administration and the Coast Guard; for those attending college there will be less available for grants, and for many middle and lower income students no eligibility for student loans; there will be reductions and increased restrictions on legal services for the poor.

In addition, federally supported housing starts will be sharply reduced, adding to the problems in the construction industry.

Cities and states such as New York will have to get by with less operating monies for mass transit. There will be an increase in illegal aliens due to cuts in funds for the agency charged with halting illegal entries. Government aided research into new energy forms to end our continued dependence on Arab oil will all but cease. Our national parks and offshore areas will be threatened by development under the policies of Interior Secretary Watt. The arts and humanities will suffer under the cuts made under the unrealistic notion that private industry can take up the slack. And local taxes will rise due to the cutback of federal funds and services to local governments.

On top of all this, even Administration economists concede that unemployment will continue to rise, along with the deficit which will now exceed $100 billion in 1982—the largest in our nation's history.

These then are the highlights of what's in store for 1982. I believe the Democratic party has the opportunity to regain the offensive. We can do so if we:

1. Demand that the new tax advantages given the major oil producers in the President's tax bill be rescinded. By this action we can increase revenues by ten to twenty billion dollars.

2. Defer part of the 1983 and 1984 tax cuts until such time as the deficit gets more under control. The truth is that the campaign promises which resulted in these tax cuts are having a devastating effect on the economy.

3. Review the booming defense budget with an eye to cutting billions of acknowledged waste before we put billions more into questionable weapons systems.

4. Acknowledge the needs of the growing number of unemployed and not pretend that somehow they and their families will get along. This may mean new jobs programs—profitting from mistakes that have been made in the past.

5. Rectify the harm and unnecessary hardship that we have placed on our senior citizens by offering reasonable solutions to their problems, including adequate medical care for the elderly poor.

6. Reinstitute a meaningful program that will double present housing starts. Our country has always moved ahead when housing construction has been strong.

7. Revive the idea that mass transit is essential if we are going to overcome the energy and environmental problems in our metropolitan areas.

8. Continue to strive to develop alternate sources of energy so that we can reduce our dependence on foreign sources of energy.

9. Recognize the fact that our future lies with our youth and to deny them educational opportunity is to deny ourselves the future we all hope for. In exchange, we must demand performance on their part and on the part of our colleges and universities.

10. As a party and as Members of Congress must be willing to resist the demands of special interest groups who would have us sacrifice the rights of the people.

With this program we can move our country forward and put our party back into the game. We can and should take these actions *knowing that the majority of Americans* want to be honest, fair, and above all, caring for the good of our country and her people.●

NEW CONGRESSIONAL PAY PERKS SHOULD BE REVERSED

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mrs. ROUKEMA. Mr. Speaker, I have introduced two measures—H.R. 5329 and House Resolution 319—which would rescind recent changes in the law concerning tax deductions for Members of Congress and the rules on outside earnings limitations, respectively. Many Members, I am certain, share my sense of indignation at the tactics used to enact changes last December, without the conscious knowledge of most Members of Congress.

Last October, in a parliamentary maneuver designed to avoid a recorded vote, the House agreed to remove the $3,000 limit on tax deductions for living expenses while they are in Washington. This put the Congress under the same restrictions as other taxpayers, instead of limiting them to an artificially devised maximum of $3,000. But, in December, the Congress was presented with what amounts to a standard deduction for business expenses each day the Congress is in session. This is a distinction that we do not permit for other citizens and it could add up to substantial tax benefits for Members without requiring any substantiation of legitimate expenses.

The questionable nature of this benefit was illustrated in the manner in which it was adopted. A rider was added to the Black Lung Benefits Relief Act of 1981 by the other body at the very last minute. It was never printed for the House, and most Members only learned of the rider long after the vote was finished. Clearly, this is not a respectable way to legislate.

In another parliamentary maneuver, by a unanimous consent request before a nearly empty Chamber, the House raised the limit on outside earnings from 15 percent of annual salary to 30 percent. This occurred despite the fact that the House rejected the same proposal in a recorded vote last October. There are, in my opinion, real ethical problems in doing so. Congress has shown itself to be disingenuous on this issue. If we feel we need a pay raise, we should have a public, recorded vote on the issue. Instead, this action permits a Member's salary to be supplemented by honoraria, by more than $18,000 in income from outside sources—a substantial increase. This amounts to a significant subsidy by special interests to congressional salaries. In my opinion, both actions were wrong in principle and improperly enacted.

My proposed legislation would rollback the outside earnings limitation from 30 to 15 percent—the level at which it has existed for 2 years. The second measure would eliminate the $75 per day automatic, unsubstantiated deduction for Members of Congress and put them on equal footing—and under the same rules—as other taxpayers. If we have legitimate deductions, we can take them, but we should have to itemize them just like everyone else. My bill would not restore the $3,000 expenses limitation which now appears to be inordinately low.

Let me add one other important point. Regardless of anyone's position on the mertis of this issue—the pros and cons of limitation on congressional salaries, outside earnings, and living expense deductions—we cannot condone the methods by which these changes were adopted. The issue should be considered fully by the Ways and Means and Rules Committees and debated publicly by the House. If any proposed changes come before us, they absolutely deserve a recorded vote. Members of Congress should not rely upon unanimous consent decrees or voice votes to obscure their true positions on this issue.

I urge my colleagues to join me in support of this effort to rescind these changes. If we are to make changes in the future, let us do it in an open manner, and not further undermine the credibility of the institution.●

EQUAL RIGHTS AMENDMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mrs. SCHROEDER. Mr. Speaker, yesterday the Supreme Court stayed U.S. District Judge Marion Callister's ruling that Congress did not have the authority to extend the deadline for ratifying the equal rights amendment.

It is a great victory. As the following Denver Post editorial mentions, the Callister decision imposed a legal cloud over the ERA. The Supreme Court's actions yesterday lifted that cloud from the ERA and dropped it on Judge Callister.

I am confident that as the ERA proceeds through its proper forum, the State legislatures, American women will find that the Denver Post's words ring true—the ERA isn't dead:

[From the Denver Post, Jan. 8, 1982]

ERA Isn't Dead

When U.S. District Judge Marion Callister ruled recently that Congress exceeded its authority in extending the deadline for ratifying the Equal Rights Amendment, it appeared the death knell for ERA had been sounded.

Phyllis Schlafly, who has led the drive to defeat the amendment, all but danced in the street, and the media began reporting its death.

Both actions were premature.

The National Organization for Women and other ERA backers have appealed Callister's decision to the U.S. Supreme Court. Pending court action, states have until June 30 to ratify ERA.

Thirty-five states, including Colorado, have ratified the amendment; three more are needed before it can become part of the Constitution. ERA proponents are focusing their efforts in Oklahoma, Florida, Illinois, Missouri, North Carolina and Virginia.

However, ERA backers don't have a fair shot at persuading legislatures to approve the amendment when the question of congressional authority to extend the deadline hangs in the balance. To remove the legal cloud Callister's decision has imposed, the Supreme Court should agree to NOW's request for a speedy ruling.

In the meantime, ERA supporters should continue to push for ratification in states they have targeted.

Leadership in the Oklahoma Legislature supports the amendment. An aggressive campaign for passage is being waged by Oklahoma Homemakers for ERA, and NOW expects a vote soon. An early vote also is expected by the Florida Legislature.

In Illinois, a special election for lieutenant governor is turning into a referendum on ERA. The outcome could turn the tide in the Illinois Legislature, which has been opposed to ERA.

None of these will be easy battles. But unless the Supreme Court decides otherwise, ERA supporters have nearly six months to push their campaign to success. They shouldn't give up now.●

CLAUDE PEPPER A RALLYING POINT FOR OLDER AMERICANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FRANK. Mr. Speaker, our colleague, Claude Pepper, continues to bring honor on the Congress by his extraordinary efforts on behalf of older people. Most recently, when partisan maneuvering threatened the integrity of the White House Conference on the Aging, Claude Pepper demonstrated again why he is the single most important member of the Federal Government to the older people of our country.

As this article, by Wendell Coltin, the very distinguished expert on elderly affairs of the Boston Herald American documents, Claude Pepper intervened in the White Office Conference in a manner typical of him. With a display of courage, with his masterful knowledge of the facts as they affect elderly people, and with his extraordinary sense of how best to affect public policy in a responsible manner, Claude Pepper prevented the White House Conference from becoming a disaster for those concerned with protecting the economic and social well being of older citizens.

I am delighted that Wendell Coltin took the trouble to recognize the important role which Congressman Pepper played in this matter and I think that this ought to be shared with the membership so that people will understand how essential it is that the work of our colleague, Mr. Pepper, does in his capacity as the Chair of the Select Committee on Aging, be supported:

[From the Boston Herald American, Dec. 13, 1981]

A Dash of Pepper Helps Elderly

(By Wendell Coltin)

Be their deeds, you shall know them.

Gutsy 81-year-old Rep. Claude Pepper didn't have to go before the White House Conference on Aging to tell delegates he was their friend; they already knew that he is, indeed, their foremost champion on the Washington scene.

The admiration for the longtime congressman from Florida, who heads the House Select Committee on Aging, was reflected by the applause greeting his every appearance.

"Pepper really saved the day," Frank J. Manning, president of the Massachusetts Ass'n of Older Americans, remarked upon his return. He referred to Pepper "making it possible" to get positive resolutions on Social Security, by going to a meeting of the Committee on Economic Well-Being and "turning around a decision of that committee, through negotiation."

Manning said, "There was no question in my mind the administration wanted to control strategic committees."

The Wall Street Journal reportad the dissatisfaction of hundreds of delegates with the conference was evident when they jammed a corridor outside a conference room to support an attempt by Pepper, an honorary co-chairman to address the committee. Their presence, it was pointed out, reflected feelings of many persons that conference leaders had controlled the membership and direction of several committees, including the one on Social Security, to prevent strong criticism of Reagan administration policies.

After the more than 2,200 delegates had returned to their homes throughout the country, I talked with a friend long connected with a national organization for older persons. He told me, "It was one of Pepper's shining hours politically. He was the man of the hour without demonstrating. Without him, it would have ended in chaos.

"After all the charges of rigging by the administration the older people came out looking pretty good," he added. "Even if it was stacked, the administration did a bad job of stacking. A lot of the recommendations were diametrically opposed to the administration's position. They botched it."

Pepper's committee conducted hearings on the controversial survey and Human Services Secretary Richard S. Schweiker testified.

Tomorrow, when the MAOA holds its 13th annual meeting in the Dorothy Quincy Suite of the old John Hancock Building, the WHCOA will be discussed. There also will be panels on Social Security and home care.

Sens. Edward M. Kennedy and Paul Tsongas and Fourth District Rep. Barney Frank, a member of the House Committee on Aging, will address the meeting.

From a Haverhill AARP chapter member: Wasn't there a law passed a few years ago that gave a Social Security benefit to all persons 65 and over who didn't work under Social Security?

You are thinking of the Special Age 72 Benefit enacted in October 1966. It was paid to person who were not getting a SS benefit, or any other governmental benefit or pension, or had not worked under SS long enough for regular benefits to be paid. It is still being received by more than 110,000 persons who are 86 and over, but for several years no additions have been made to the Special Age 72 Benefit rolls.

Note: Originally, it was a $35 per month benefit for an individual; $52.50 for an eligible couple. It has risen over the years to $117 for an individual, $175.50 for an eligible couple.●

WHITTIER POLICE CHIEF JIM BALE: A MAN OF MANY ACCOMPLISHMENTS

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GRISHAM. Mr. Speaker, Thursday, January 21, I had the distinct honor of participating in a testimonial dinner for one of California's finest citizens, Whittier Police Chief James F. Bale. I have had the privilege of maintaining a friendship with Police Chief Bale and would like to make my colleagues aware of his many contributions to the Whittier area.

Chief Bale began his law enforcement career in 1950 as a police officer in Pontiac, Mich. In 1960 he assumed the position of chief of police in Sheridan, Wyo., a post he held until 1963. He then was named the chief of police of Sierra Madre, and since 1967 has distinguished himself as chief of police of the fine city of Whittier, Calif.

Chief Bale's professional accomplishments are numerous. He has distinguished himself by providing professional expertise as a member of the Los Angeles Regional Criminal Justice Planning Board, member of the Police Advisory Board of Rio Hondo College, membership of the Advisory Board of the Police Science program at Pasadena City College, and is the author of several publications and technical writings.

Jim Bale's contributions extend beyond those of the normal working day. He has been active in civic organizations such as the International Association of Chiefs of Police, the California Police Chiefs' Association, the Whittier Lions Club, the board of directors of Whittier Salvation Army, the board of directors of the Boys and Girls Club of Whittier, and is currently serving a term as chairman of the Advisory Board of the Salvation Army.

In a society where law and order is so important, the city of Whittier is lucky to have a person with the qualities of Jim Bale. Chief Bale is never too busy to undertake any project that will make Whittier a better place in which to live. I am proud to join in this tribute to my good friend and congratulate him on this find honor. No person is more deserving. Police Chief Jim Bale has made Whittier, Calif., a model city.●

PRIVATE AGENCY IN SCOTTSDALE DONATES FOOD TO POLISH PEOPLE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RUDD. Mr. Speaker, since the President wisely cut off American aid to the Soviet-controlled Government of Poland, there have been many private, nonpolitical organizations throughout our country which have greatly eased the repression and suffering of the Polish people as a result of martial law the past several weeks.

One international relief agency based in Scottsdale, Ariz., Food for the Hungry, has officially donated 1,426,607 pounds of food and other needed goods to the people of Poland. The agency estimated the total value of the donation is $857,644. The group distributes the goods through the United Evangelical Churches in Poland, an interchurch group of 152 local congregations comprising 5 major church movements.

The crisis in Poland, spearheaded by the realization in Moscow that the freedom-starved people of Poland are opposed to the totalitarian doctrines espoused by Communist regimes, will always be critical as long as Soviet soldiers and a puppet leadership continue to abate all Polish liberties. But in the meantime, I applaud the efforts of groups, like Food for the Hungry, which work with other private organizations and churches in Poland to feed the hungers of a proud citizenry that sees little hope for the future as long as Soviet control exists.●

BILL "TIGER" REESE—SAN PEDRO'S CITIZEN OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. ANDERSON. Mr. Speaker, on January 28, 1982, Los Angeles Harbor area residents will gather at the Princess Louise Restraurant to honor and recognize Bill "Tiger" Reese as Citizen of the Year for the community of San Pedro.

Tiger Reese needs little introduction to any area resident who has ever had even the most passing interest in following sporting events in and around San Pedro. I say this because Tiger has donated literally thousands of hours of his own time to the often thankless job of announcing area sporting events. In fact, through his unselfish and tireless efforts, Tiger has come to be known around town as the voice of San Pedro sports.

One of 10 brothers and sisters, Tiger attended Point Fermin Elementary School and Dana Junior High School before graduating from San Pedro High School in 1935. As many of us can too well remember, 1935 saw us in the midst of a worldwide depression, and because of this economic crisis many able high school graduates were not afforded the opportunity to further their education in a college classroom—Tiger Reese was part of this group.

Upon his high school graduation Tiger joined the Civilian Conservation Corps, and he altruistically sent $25 of his monthly $30 pay check back to his family. Tiger returned to San Pedro shortly thereafter and upon his arrival began working on the docks. However, this often grueling work was abruptly interrupted in 1941 with the Japanese attack on Pearl Harbor. The following year, Tiger entered the Army and served in North Africa and Italy.

Upon his discharge from the service, Tiger again returned to San Pedro and commenced working for the Los Angeles Department of Water and Power as a meter reader and field service dispatcher. This work enabled Tiger to become even better acquainted with San Pedro's residents, and also gave him time to attend many sporting events in the harbor area.

In 1946, Tiger first donated his services as a sports announcer when, midway through the season, he began to announce San Pedro Athletic Club football games at Daniels Field. During this postwar era, the San Pedro Athletic Club was one of this country's most feared and respected semipro teams. The following year Tiger began calling games for the San Pedro High School. I might add that this association with his alma mater is as strong today as it was in 1947. The year 1949 witnessed the beginning of Los Angeles Harbor College's football program and, yes, Tiger began announcing Seahawk home games. Subsequently, Tiger announced games for the Mary Star of the Sea High School and, as if this was not enough, he made the time to call municipal fast pitch softball games 6 nights a week; San Pedro Boys Club football games; and the club's Biddy basketball State tournament games.

Mr. Speaker, the night of January 28 will most definitely be a memorable occasion as Tiger Reese's many friends gather to pay tribute to him for all he has done for the men, women, and children of San Pedro. It is a fitting occassion to a man who has contributed so much of his time and talents for the benefit of others.

My wife, Lee, joins me in offering our own words of congratulation to Tiger. We send our best wishes for future success and happiness to him and his wife Mary, their two children, Laura Donna and Martha, and their many grandchildren.●

INCREASING NUMBER OF AMERICANS SUFFER FROM HUNGER AND MALNUTRITION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SCHUMER. Mr. Speaker, a distressing result of the current economic picture and the Reagan administration's budget cutting is the increasing number of Americans who are suffering from hunger and malnutrition. The haunting memory of depression soup lines had instigated an intense and increasingly successful Federal war on malnutrition; however, the Reagan administration has begun a cruel retreat from progressive efforts to eliminate hunger in this country. The following editorial from the January 8, 1982, edition of the New York Times describes the administration's attack on even the most cost effective of food programs, and the sad numbers of ashamed, unemployed persons who are forced to ask for a food handout:

[From the New York Times, Jan. 8, 1982]

MOUTHS TO FEED

PREGNANT WOMEN, CHILDREN

The United States, like all the world, has its portion of crime, poverty and unemployment. But until recently one could boast that no American need ever fear hunger. A dozen years of intense Federal effort have eliminated most of the gross malnutrition in this country.

One of those efforts, begun in 1967, is a program that provides baby formula and diet supplements for poor pregnant and nursing women, infants and children under 5 and thus called WIC. The recipients' food packages are, in a sense, prescriptions, as vital a medical aid to pregnant women and little children as immunization.

The WIC program is known to lower the mortality rate due to low birth weight; one major study found that for every $1 spent, $3 was saved in Medicaid expenses for hospitalization. (Just one day in a neo-natal unit can cost $550.) And that $3 does not include the saving in lifetime costs of social services or welfare benefits for a child born handicaped because its mother was ill-nourished.

At the moment, however, the program is faced with two big problems. One is old—it has been able to reach only 2.2 million of the 8.3 million people who are eligible and in need. The other is new- Administration officials say that President Reagan will propose reducing the program's budget from $940 million to $630 million in the coming year.

That such a curtailment is cruel may not cut much ice with those who think poor women shouldn't be having all those children anyway. But they may understand that it is shortsighted: money spent now—$423 per recipient per year—saves a lot of money later. Surely so efficient and practical a program should appeal to Mr. Reagan's head, even if it does not touch his heart.

AND ABLE-BODIED WORKERS

"They eat very quickly, and then they quickly disappear." That's how Brother Steve Gliko, a Milwaukee priest, describes the growing number of jobless young people who slink away, ashamed, after patronizing his church's free meals program.

Sadly, business is booming as idle workers feel the draft of a frigid economy. The deepening recession has devastated the automotive and housing industries and dampened sales in other sectors. Government jobs have been reduced at every level. CETA public jobs have been eliminated. And the Depression memory of soup kitchens shames Washington and the nation.

Yet the Reagan Administration has curtailed many programs that soften the impact of unemployment. At its urging, Congress has tightened eligibility for welfare and food stamps and curbed extended unemployment compensation. Governors and mayors, scrambling to compensate for other cuts, often cannot assume added public assistance burdens. Nor have church-sponsored emergency meals programs escaped reductions in Federal aid. And the Administration isn't through.

Nevertheless, the needy are flocking to free-meal centers. The Salvation Army reports that demand is up 10 to 30 percent nationwide; in one Ohio region the number of takers for free Thanksgiving and Christmas dinners doubled over last year. And the clientele is changing. Five years ago, Brother Gilko says, almost all were drug addicts and alcoholics. Now most are jobless young people whose savings, and benefits, are exhausted.

Successive Administrations of both parties have taken it as a duty of government to see that people are fed. Not this one. It calls for private charity. But charity can no more fill the gap now than it could when President Hoover expressed confidence that "the hungry and unemployed will be cared for by our sense of voluntary organization and community service." Soup kitchens are a sad signal of retreat.●

REVISION TO OUR ESTATE TAX LAWS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FIELDS. Mr. Speaker, I am today introducing a bill which would alleviate an inequity in our Tax Code as it relates to the valuation of property for estate tax purposes.

Section 2032a of the Internal Revenue Code allows qualified real property used in a farm or other closely held businesses to be included in a decedent's gross estate at a value less than its fair market value. If the act's requirements are satisfied, the executor may elect to value such property on the basis of the property's actual use rather than on the traditional basis of highest or best use. Prior to the enactment of the Economic Recovery Tax Act, this provision could only be elected on a timely filed return.

With the passage of the President's bipartisan tax proposal, however, a new section 421(j)(3) amended the code to allow the special use valuation provisions of section 2032a to be elected on a late-filed return, provided the return is the first filed by the estate. The legislative history of this amendment clearly indicates it was motivated by the belief that it is inequitable to deprive qualified heirs of the benefits of special use valuation solely because the decedent's estate tax return was filed after the date on which it was due. In fact, the Treasury Department agrees that section 2032a was not designed to be a late filing penalty.

Mr. Speaker, although several of the Economic Recovery Tax Act amendments to section 2032a apply retroactively to the estates of decedents dying after December 31, 1976, section 421(j)(3) does not. Section 421(j)(3) currently applies only to the estates of decedents dying after December 31, 1981.

Mr. Speaker, in my judgment, it seems unfair and inequitable that these individuals, whose inability to file a timely return inspired the amendment in the first place are now unable to benefit from it.

With this in mind, I am today offering this technical amendment to the Economic Recovery Tax Act of 1981 and am very hopeful that the House Ways and Means Committee will in its wisdom include this equity provision within its upcoming technical corrections bill.

Finally, let me say to my colleagues that if section 421(j)(3) were given retroactive treatment, the revenue loss and administrative burden to the Treasury Department would be absolutely insignificant for the impact of this amendment is limited to situations where the executor made an election on the estate's first return, but the election was not honored because the return was filed late.

Most importantly, however, the taxpayers assisted by such an amendment are the very persons that section 421(j)(3) was designed to aid, namely, farmers whose executors, attorneys, and legal representatives were not able to timely file an estate tax return due to the complexity of the Estate Tax Code.

Mr. Speaker, I urge the adoption of this much needed legislation.●

ICA'S EXCHANGE PROGRAMS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. BROOMFIELD. Mr. Speaker, I received the following correspondence from Mr. Ros Kelly, an Australian Member of Parliament, concerning the exchange programs of the International Communications Agency. Mr. Kelly personally participated in one of these programs, and found that the experience gave him a better understanding and appreciation of our country. I believe Mr. Kelly's views support what some of us have been saying for some time, namely, that an effective foreign policy requires not only the traditional elements of diplomacy and military policy, but strong interpersonal programs that further understanding between influential leaders in both the government and business sectors. Mr. Kelly's letter follows:

PARLIAMENT OF AUSTRALIA,
HOUSE OF REPRESENTATIVES,
Canberra, A.C.T., December 15, 1981.

Hon. WILLIAM S. BROOMFIELD,
House Committee on Foreign Affairs,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BROOMFIELD: I am writing as a concerned friend to you and several of your Congressional colleagues about an American Government program from which I have just returned. It was a most rewarding experience; yet I now hear that the program is in jeopardy of budgetary extinction.

This past October and November I spent four weeks travelling about the United States as a member of a group tour sponsored and organized by the United States International Communication Agency. There were 12 of us from 12 countries around the world.

From my point of view—and, if I may say so, from yours as well—the visit was a complete success. I compared notes with all the right Americans, and benefited from observations that I am already putting into practice in my legislative and political work here. I learned about countries I would probably never have a chance to visit, and told others about my own homeland.

But the deepest impression I carried back is of the friendliness of the American people, and the similarities between us.

The days I spent as a guest in people's homes, sharing their meals and daily lives, talking about their hopes and problems, taught me more about America than I could ever learn from the press or television. It has provided me with warm memories and a much clearer understanding than I could ever have achieved without being a participant in the program.

Now, I discover the program may be terminated, or at least severely reduced because of lack of resources.

I can obviously only speak from my own experience, but that impels me to urge you in the strongest terms to increase, rather than diminish, the funds available to the United States International Communication Agency for carrying on programs that contribute to international understanding, so that more of us can learn for ourselves what you are all about, and so that we all have a chance to keep the door open after we return home.

Sincerely,

ROS KELLY,
Member for Canberra.

VOTING RIGHTS: BE STRONG

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. EDWARDS of California. Mr. Speaker, the following Washington Post editorial of January 26, 1982, wisely suggests that President Reagan should listen to his friends on Capitol Hill and support the voting rights extension as passed by the House by a massive vote of 380 to 24.

VOTING RIGHTS: BE STRONG

Later today the president will be making final revisions of his State of the Union message. Among other subjects, he is expected to announce the administration's position on extension of the Voting Rights Act. The attorney general's scheduled appearance before the Senate Judiciary Committee was postponed last week because that position had not yet been firmly established. Until the policy is set in type there is still time to urge the president to support the House-passed version of this bill.

The House bill reaffirms the nation's commitment to protect the most important right guaranteed by the Constitution to all our citizens—the right to vote. When minorities are denied full participation in the electoral process, representative government is flawed. The Voting Rights Act, passed originally in 1965, has been enormously successful. Voter registration of minorities in the covered states has gone from 29 percent to over 50 percent in the last 17 years. The number of black elected officials in these same states has increased from 158 to 1,813 in the last 12 years. But as Professor Howard Ball's article on the opposite page demonstrates, efforts are still being made to subvert the law and dilute the voting power of minorities. The Voting Rights Act is the most powerful weapon available to defeat these efforts.

Controversy has centered around Section 2 of the bill, as passed by the House. This provision would allow courts to consider a number of factors, including discriminatory effects of a law, in deciding whether that law denies or abridges the right to vote. Opponents of the measure say this would require courts to strike down any voting system that didn't result in proportional representation. Not true. It would simply reinstate the standard used by the courts before the Supreme Court decision in *Mobile* v. *Bolden*, a 1980 case requiring proof that the drafters of the law in question intended to discriminate—a standard that is virtually impossible to meet since the legislators in question have all been dead for years.

In earlier cases the Supreme Court had considered the totality of circumstances—including election results, responsiveness of elected officials to the needs of minorities, nominating procedures and history of discrimination—to determine whether the challenged system really shut out racial minorities. In a 1971 case, *Whitecomb* v. *Chavis*, the court upheld at-large elections in Indianapolis even though black voter strength was diluted, because there was not sufficient additional evidence of discrimination. Two years later, in *White v. Regester*, the court struck down a similar system in Texas because other evidence of discrimination was present. That is the standard to which the House-passed bill would return.

The president has received some very bad advice on civil rights matters from his associates in recent weeks. The same people who told him that it would be wise to restore tax-exempt status to segregated schools are urging him to oppose Section 2 as passed by the House. This bill was passed by a vote of 389 to 24. It has been cosponsored by 61 senators—enough even to stop a filibuster. The president should listen to his friends on the Hill and not just those in his own offices in deciding what message on civil rights he sends to the country tonight.●

NO HELP FOR JARUZELSKI

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● **Mr. DERWINSKI.** Mr. Speaker, on January 1, 1982, in the Washington Post, my good friend, Mr. Jan Nowak, national director of the Polish American Congress, analyzed some of the events of the Polish crisis. His remarkable insight stems from a keen intelligence sharpened by more than 30 years as head of the Polish language section of Radio Free Europe.

Mr. Nowak makes some excellent points in his piece and certain valuable conclusions. They are worthy of the consideration of the Members.

NO HELP FOR JARUZELSKI

(By Jan Nowak)

As a Pole, it is infinitely painful for me to watch as the free nations of Western Europe and even some Americans display such apparent readiness to believe the Kremlin's carefully orchestrated version of recent events in Poland.

According to this version:

Gen. Wojciech Jaruzelski's "last minute" decision to declare war against the Polish people was triggered by the excessive demands of Solidarity, which were threatening the country with chaos.

Reports from Poland of deaths, beatings of arrested Solidarity members and inhuman conditions in the prison camps are largely lies.

If the West does not support Jaruzelski's military regime, it could lead to a takeover by Poland's more ruthless hard-line Communists, or even Soviet invasion.

In contrast to the litany outlined above, there is now strong and growing evidence that the truth is this:

Meticulous preparations for the military crackdown on Solidarity and imposition of martial law throughout the country began nine months ago, soon after Jaruzelski's appointment as prime minister, which gave him total command of the civilian and military apparatus of the state.

Far from being a Polish patriot, Jaruzelski has a record of total loyalty to Moscow. In 1947 he was decorated and promoted for the thoroughness with which he liquidated the remains of Poland's non-communist partisans. After training at the Soviet Military Academy, he was appointed chief political commissar of the Polish army, a key position of trust in Moscow's eyes. His elevation to his present position of unprecedented power as head of the government, the Polish Communist party and the military would have been unthinkable without the Kremlin's full endorsement.

The reports of mistreatment of Solidarity leaders and other Poles arrested in Jaruzelski's crackdown have not been exaggerated.

We hear that Solidarity "went too far." Aside from the questionable taste of prosperous Western democracies accusing Polish workers of going too far in seeking the bare rudiments of democracy, the facts show that Solidarity remained remarkably restrained in the face of repeated acts of duplicity by the Communist leaders it was dealing with.

There is now considerable evidence that the food shortages and other economic setbacks, blamed by the government and media on the activities of Solidarity, were both encouraged and manipulated by the government itself. As Zdzislaw Rurarz, the former Polish ambassador to Japan, testified after defecting to this country, the government's strategy in the period before the crackdown was "the worse, the better".

When Japan offered rice, Rurarz had difficulty persuading the Warsaw government to accept it. West Germany had a similar experience when it offered powdered milk for infants. Butter shipped by the United States was at first "disqualified" by Polish customs on the grounds that the percentage of fat was insufficient for Polish regulations. As the lines for food grew longer, even the most available food supplies were held back—to reappear in relative abundance as soon as martial law was declared.

It can be argued that Poland's increasing problems developed because not Solidarity but the government itself chose to go on strike. By refusing to negotiate seriously, by raising difficulties over food shipments, by refusing to take the most obvious steps to improve food distribution and stem the deterioration in the economy, the Polish government deliberately abdicated its responsibilities and encouraged the malaise.

But Jaruzelski's victory is an uneasy one. He can force workers back to the factories, but he cannot force them to work more efficiently. He is finding, as the Nazi occupiers of Poland found during World War II, that Polish workers can be surprisingly stubborn.

The West can either continue to prop up Jaruzelski with aid, or it can help the Polish workers in their passive resistance by refusing to assist Jaruzelski and by bringing increasing economic pressure on his regime.

Since 1956 the Soviet Union has reluctantly tolerated Polish unorthodoxy out of fear of a major confrontation with the Polish people. This fear is now being tested. Should it prove to have been groundless, the Soviet Union may well decide to turn back the clock not just to 1980, but to the rigid suppression of the early 1950s. It would be encouraged to adopt far tougher measures with its other East European client states.

This would upset the present military balance in Europe and raise defense questions for the West far greater than anything yet discussed in connection with the Polish crisis.●

ST. PAUL HIGH SCHOOL WINS THE 1981 BIG FIVE CONFERENCE

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● **Mr. GRISHAM.** Mr. Speaker, I am pleased today to bring to the attention of my colleagues the outstanding accomplishment of the St. Paul High School football team. St. Paul's, under the capable leadership of the principal, Rev. Aidan M. Carroll, and head football coach Marijon Ancich, won the 1981 CIF Big Five Conference football championship.

The St. Paul Swordsmen play their games at the Monsignor Cranham Memorial Stadium in Santa Fe Springs, Calif. Coach Ancich was assisted in his winning efforts by varsity associate coaches John Larson, Jim Walker, Bob Hill, Miguel Olmedo, Paul Lopez, and Mike Stith. The team physician is Dr.

John J. Brennan and the trainer is Al Hanson.

For the interest of my colleagues I have listed below the members of St. Paul High School's championship football team:

Dan Pogue, Mike Jiminez, Alex Espinoza, Larry Guereque, Dave Ferneau, Mike Aguirre, Brian Bukosky, Steve Chavez, Rich Arguijo, Andy Henderson, Mario Melendres, Mike Shepherd, and Tony Sarmiento.

Robert Garcia, John Donlevy, Xavier Espino, Larry Martinez, Paul Dispalatro, Lou Cabral, Seb Apodaca, Deron Ertle, Ted Lawrence, Manual Juares, Leroy Orozco, Frank Quattrocchi, and Mark Mosqueda.

Tony Stagno, Jose Pina, Ruben Segura, Fred Salas, Ray Fontes, John Matus, Paul Magana, Paul Martin, Steve Montez, John Gasparian, Tim Younger, Joe Ross, and Ron Gray.

Parris DeVine, Steve Martinson, Cliff Heidrich, Andy DeGrasse, Jeff Pogue, Mike Cruz, Alan Floyd, Casey Morales, Rich Canales, Bill Blackett, Jim Magdaleno, Norm Enfield, and Pat Haro.

Ed Espinoza, Sal Apodaca, Mario Irizarry, Nick Dispalatro, Hank Mondaca, Fred Huizar, Rich Alcantara, Mark Walker, Frank Morones, Robert Oviedo, Ed Primero, Matt Cole, and Jose Olmedo.

George Pla, Lance Wingert, John Covarrubias, Mark Espinosa, Mike Sandoval, Todd White, Andy Stankiewicz, Hector Palacios, Greg Macias, Philip Salvatori, Bob Willig, and Brian Clements.

St. Paul High School, which was founded in 1956, has an enrollment of 1,420 students who come from Catholic grade schools and local public junior high schools. It has an academic program that is oriented toward sound moral and religious training in Catholic principles and worship; a well-rounded liberal arts program of studies; a warm family environment for personality development and growth; and an active and social and athletic program.

Over the past 25 years, approximately 6,000 young men and women have graduated from St. Paul High School. They have assumed responsible positions of leadership and service within the church and civic community. They are found in fields of medicine, engineering, law, education, military service, professional sports, and the arts. Their achievements are a living testimony to the work of the dedicated, competent faculty and staff that have served St. Paul High School throughout the past 25 years.

As you can see, Mr. Speaker, St. Paul High School, besides boasting an outstanding athletic program, also possesses a well-respected academic program of which the constituents of my 33d Congressional District, are most proud. This is a balance that is difficult to attain by a learning institution, and I am pleased to represent them in Congress.●

FORMER ILLINOIS CONGRESSMAN HAROLD VELDE'S VIEWS ON WHITE HOUSE AGING CONFERENCE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RUDD. Mr. Speaker, a most distinguished resident of Sun City, Ariz., former Illinois Congressman Harold H. Velde, represented the Fourth District of Arizona at the 1981 White House Conference on Aging here in Washington.

I hold deep respect for the views of Congressman Velde, with equal admiration for his many years of work in this body a few decades ago. For the attention of my colleagues, I am attaching the personal statement of Harold H. Velde on the White House Conference on Aging. I urge all Members of Congress to pay particular notice to the recommendations he offers to provide financial stability to the endangered social security retirement system.

PERSONAL STATEMENT ON WHITE HOUSE CONFERENCE ON AGING BY HAROLD H. VELDE

While the White House Conference on Aging was marked by confusion and duplication of Agendas by the 14 Committees, as well as duplication and redundancy in its Recommendations, one thing is certain—the Conference presented the present Administration and the U.S. Congress every conceivable problem and ailment known to affect the elderly.

Unfortunately a great majority of the Resolutions advocated the expenditure of new and additional Federal funds to solve the problems of the elderly and Social Security Retirees but mostly neglected the problem of the aging younger generation and the Federal taxpayers. Some Resolutions were passed which stated that problems of the elderly, as well as the problems of the coming generations could best be solved by reestablishment of a sound American economy and by giving more responsibilities for funding and management of social problems to the states and local governments, in cooperation with church and charitable organizations, non-profit organizations, and volunteers. I strongly support these Resolutions.

One of the important and worthwhile recommendations of the Conference came from Committee No. 2, which stated that the fiscal integrity of the Social Security Retirement System must be re-established and maintained without the support of General Treasury Funds.

While several recommendations were made to provide financial stability of this Fund without the use of General Treasury Funds, it is my opinion that a combination of the following actions by the Congress will be necessary to achieve this end:

1. Reduce early retirement (age 62) benefits to 55 percent of the amount of full term (age 65) benefits received instead of the 80 percent now in use.

2. Reduce Minimum Benefits now arbitrarily set at $122.00 per month to a more realistic and fair figure, based on length of time and amount contributed by the employee.

3. Eliminate gradually the earnings test as an incentive to a longer working period for Social Security Retirees.

4. Tax and other benefits be given to persons who voluntarily continue employment beyond the age of 65.

5. Revise the cost-of-living formula, now based on the Consumer Price Index, to a lower and more realistic percentage of the inflation rate. This should apply to Civil Service and the Congressional retirees too.

6. Overall I feel that implementation of the many recommendations made which would provide for retirees a happier, healthier, and more useful life must necessarily be postponed until the economy improves, i.e., balanced budget, decreased unemployment, an increased G.N.P., and decreased tax burdens for those of the coming generations.●

THE CHURLS OF THE PRESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LAFALCE. Mr. Speaker, columnist Tom Braden has written a painfully personal remembrance that merits the consideration of my colleagues.

The recent resignation of National Security Adviser Richard Allen prompted Braden to recount the night that Robert Kennedy was shot. In a brief but moving column, Braden describes the visceral behavior of the media at a time of terrible tragedy for the Kennedy children.

Braden's message is not lost.

As he so eloquently notes:

> Some owner of a network or a chain of newspapers is going to wake up one morning and say, "This has gone far enough. I'm going to propose a code of ethics for my profession and a watchdog to enforce it and we're not going to do this sort of thing any more." Or am I mistaken? Isn't there anybody out there in an ownership position who is possessed of guts?

The article, from the January 9 edition of the Washington Post, follows:

THE CHURLS OF THE PRESS

(By Tom Braden)

Richard Allen was telling me the other day about his treatment at the hands of the press, and as I was listening I found my mind going back to that night in June of 1968 when Robert Kennedy was shot.

I've forgotten how my wife and I happened to take temporary custody of two Kennedy children that evening. Emotion blurred the memory of events as fast as events took place.

At any rate, there we were in a cottage on the hotel grounds, and we were very careful to engage our charges in conversation and not to let them turn the television on.

After a while the telephone rang and somebody who was with Mrs. Kennedy asked us to bring the children to her. I remember well what happened when we opened that cottage door.

Flashbulbs popped. Men clambered out of bushes, shouting at the children: "How do you feel about your daddy being shot?" "Which one are you?" "Have you prayed for your daddy?"

That was the way those children heard the news.

I remember being so angry as we hastened down a sidewalk to a car that, stupidly, I tried to take a swing at a cameraman, though I was carrying a child in my arms.

But I also remember being ashamed. These men were reporters. Yet here they were reducing themselves to the level of purse snatchers, second-story men, child abusers.

And though I don't mean to compare the ordeal of Richard Allen with that of the Kennedy family, it seems to me that in both incidents the question to be asked is "why?"

Why did reporters do what they did to those two children? Why did they stand outside Richard Allen's house, climb trees to look into his windows, dump their half-eaten sandwiches and paper cups all over his lawn and follow him to a restaurant, listen to his conversation and inquire of the proprietor as to whether he had paid his bill?

I have asked this question of my colleagues in print, television and radio, and they answer as one: "If we didn't stake Allen out, somebody else would. If one Los Angeles newspaper had not staked out those Kennedy kids, some other paper or TV station would have, and if one got a story or a picture and the other didn't there'd be hell to pay."

In short, so I am told, competition is what turns gentlemen into churls.

I do not think this a sufficient answer. I know many a newspaper publisher, many owners of television and radio stations. I know the heads of the three major networks. Not one of them would be caught dead peering through somebody's window, abusing a child or dumping garbage on a lawn.

Then why do they permit these deeds to be done in their name?

Some owner of a network or a chain of newspapers is going to wake up one morning and say, "This has gone far enough. I'm going to propose a code of ethics for my profession and a watchdog to enforce it and we're not going to do this sort of thing any more."

Or am I mistaken?

Isn't there anybody out there in an ownership position who is possessed of guts?●

COSPONSORSHIP OF H.R. 5165—REPEAL OF THE TAX CREDIT LEASING PROVISION OF THE TAX RECOVERY ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CONTE. Mr. Speaker, I am today announcing my full support and cosponsorship of my good friend JOHN DUNCAN's bill, H.R. 5165, to repeal the tax credit leasing provision of the Economic Recovery Tax Act that both bodies passed this summer. I want to ask my colleagues a question: Should we be giving the equivalent of food stamps to large corporations in this Nation?

The former Commissioner of the Internal Revenue Service has dubbed this provision the "rent-a-deduction" of the Tax Act. It will permit corporations to buy and sell Federal tax credits as though they were stocks, bonds, or bushels of wheat. It helps corporations all right: Two kinds of corporations. It helps wealthy, prosperous companies who do not need help in the first place, and it helps inefficient, noncompetitive firms who do not deserve any help. It benefits only those corporations who wish to shelter their profits, and firms that have done so poorly in the marketplace that they have no profits from which to deduct their credits.

This provision was added with the best of intentions: Like many Government programs, it had come from a good heart. But it did not come from a clear head. The administration estimated that this little provision would have cost $27 billion between now and 1986. That estimate has since doubled since wealthy companies have taken advantage of this provision.

Let us look at what could have been done with this $54 billion. That amount is more than four times the projected deficit in the social security OASI trust fund in the next 5 years. That same $54 billion would fully fund for the next 20 years a program of basic educational opportunity grants to needy college students at the current budget level.

There is, however, one group of people who are benefiting by this gift. Those are the corporate attorneys who arrange these giveaways. The typical fee for arranging one of these deals is one-quarter of 1 percent of the tax credits involved. At that rate, corporations will pick up $67 million in fees over the next 5 years.

Sixty-seven million dollars. We are slashing legal aid for the poor, and on the other hand we are giving money to huge corporate firms. Mr. Speaker, there is more than a little bit of unfairness there.

This tax loss has a direct and heavy impact on the Federal budget deficit. Unless this loophole is closed, every tax dollar lost throught it must be made up either by further cuts in Federal programs or increasing taxes. Or, there is another choice. We can add it to the Federal deficit. I do not think any of us want to be that irresponsible.

You know, Santa Claus came about 5 months early to large corporations in this country. I think it is about time that we let them know that Santa Claus does not exist.●

GAO FLUNKS COLLEGES ON STUDENT AID

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FRENZEL. Mr. Speaker, the Washington Post article of December 20, 1981, which follows, discusses a new General Accounting Office report on student aid made at the request of Senator HATCH.

It shows widespread abuse of student aid programs. About 20 percent of Pell grant recipients studied had less than the 2.0 grade point required for graduation; 10 percent had less than 1.5.

These startling figures will not help higher education authorities who are now speaking out strongly against further cuts in college assistance program.

The article follows:

GAO REPORT FLUNKS COLLEGE ON STUDENT AID STANDARDS

(By Charles R. Babcock)

One student at Boise State University in Idaho who received more than $4,200 in federal aid while in school got a degree in social science after taking 13 physical education courses including "Coed Bowling," "Coed Billiards," "Advanced Weight Training" and "Coed Jogging."

His best grades were in independent study courses on "Sexuality and the Male Athlete" and "Behavior of the Christian vs. Non-Christian Child." He got 4 Fs, 11 Ds, and withdrew from eight courses; the school waived its usual standards to let him graduate.

A student at Morris Brown College in Atlanta collected nearly $16,000 in government aid in five years, but earned only 65 credit hours and had a 1.35 grade point average. During his last two years, he passed only one course and should have been ineligible for his last $9,000 in federal assistance.

A student at State Community College in East St. Louis, Ill., received $8,400 in seven years while completing only 35 of 215 credit hours. She took the same speech course eight times and the same sociology course five times without passing either.

Another student at Morris Brown received nearly $12,000 in aid in three years, but because of withdrawals earned only 14 credit hours with a .62 grade point.

A new General Accounting Office report cites such examples to support its conclusion that some schools have set inadequate "academic progress standards" for students receiving federal financial aid and have failed to enforce the standards set. As a result, it said, many students are abusing programs that totaled nearly $8 billion in fiscal 1980.

Too often, it said, students whose grants it reviewed had low grade points, or withdrew or failed so many courses that they were far behind any generally accepted pace toward graduation. About 20 percent of the Pell grant recipients studied had less than the 2.0 grade point required for graduation, and about 10 percent had less than a 1.5, a D+.

Although the report made no attempt to project its results nationwide, it estimated that millions of dollars are being spent unnecessarily on students who probably won't graduate. The problem, it said, "threatens to undermine the integrity of the financial aid programs."

The study was begun by GAO and completed for Sen. Orrin G. Hatch (R-Utah), chairman of the Senate Labor and Human Resources Committee. It contained examples without the names of the schools or students because it was trying to illustrate a potential national problem. The students' names are protected by the Privacy Act. The schools' names were supplied by other sources.

During their survey GAO investigators examined a random sample of nearly 6,000 student transcripts at 20 colleges scattered across the country. They ranged from the University of Florida and Southern Illinois University to Miami-Dade Community College and Xavier University in Cincinnati.

Presidents of the affected schools expressed disbelief or chagrin at the news in the report. Rosetta Wheadon, head of State Community College, said she couldn't believe a student could go to her school for 7 years and earn only 35 hours.

Robert Threatt, president of Morris Brown, acknowledged that "to some extent, maybe we didn't monitor satisfactory progress as closely as we could have." But he said the school had tightened its standards.

Richard Rapp, financial aid officer at Boise State, said he didn't recognize the student from his school but said "there's bound to be some cases" on a campus where one-third of the 12,000 students receive financial aid.

Of the grants that were reviewed, $3.9 billion worth were administered by the Department of Education; $2.3 billion by the Veterans' Administration, and $1.6 billion by the Social Security Administration. Several million college students receive such grants each year.

The GAO concluded that the VA had the best standards, but said a uniform federal policy on "academic progress' is needed. Supporters of the programs responded that stricter voluntary guidelines had been approved for many universities and colleges earlier this year.

The report comes at a time when budget director David A. Stockman has proposed cutting the basic Education Department program for low- and middle-income students, the Pell grant, from its current $2.6 billion a year to $1 billion in fiscal 1983.

Jack Peltason, president of the American Council of Education, an umbrella group for higher education, said that such cutbacks would be a "revolutionary" change in the relationship between the federal government and the higher education community. "The states and the private sector couldn't possibly pick up the slack," he said.

He fears that as a result only children from wealthy families will be able to attend top private colleges, he said.

Charles Saunders, ACE director of government relations, said the proposed cuts would slash the Pell recipient rolls by 70 percent, or 1.9 million students, and lower the income eligibility to $6,000, below the poverty level.

Peltason said that the nation's universities "do not countenance any kind of cheating and we have moved vigorously to stop it. But if you have millions of students getting grants there are going to be some abuses."

James Moore, a Department of Education student aid official, said voluntary standards developed by ACE to monitor academic progress would be included in regulations the department expects to issue early next month. "Then we'll have to burn a few institutions to make them know we're serious," he said.

Moore said that if department auditors found students receiving aid in violation of the academic progress standards, their schools would be forced to pay back the grant money. "There will be a few public hangings," he said.

Because of the proposed cuts in student aid, he noted, "schools will darn well have to put their money on the front runners" and not on those who aren't serious students.●

THE 16TH ANNIVERSARY OF THE SIGNING OF THE CUBAN EXILES' DECLARATION OF FREEDOM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FASCELL. Mr. Speaker, January 23, 1982, marked the 16th anniversary of the signing of the Declaration of Freedom by Cuban exiles in Key West, Fla. The location is not incidental, for the signing took place in the same historic San Carlos Club where, back in 1892, Cuban patriot Jose Marti declared the independence of Cuba from Spain.

The action by Cuban exiles lies squarely within the ideals which founded our country, for starting with the Pilgrims, men and women from around the world have fled oppression in their homelands and come to America both to find freedom and to cherish it.

The Cuban exiles have honored that tradition, both in the ideals which mark their own declaration—democracy, human rights, fundamental freedoms for all—and in the remarkable success they have had in becoming part of, and contributing so greatly to, the ongoing reality of the American dream.

Unfortunately, the sad, sorry, tragic situation of betrayed promises and broad oppression continue in Cuba to this day, as exile, imprisonment, or worse remain the lot of those Cubans who dare to oppose the Castro dictatorship or merely to seek freedoms we in this country take for granted.

This anniversary therefore marks an appropriate occasion for us all to remind ourselves both of the lamentable situation of Cuba and of the principles and purposes we proudly share with the Cubans in their exile. I urge the attention of our colleagues to their Declaration of Freedom.

The declaration follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the humam being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino-Soviet imperialists.

In view of the aforegoing, we declare.

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are.

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, will all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealeld in Key West, Florida, on the 23d day of January, 1966.●

THE VIEW FROM $204 A WEEK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. HAMILTON. Mr. Speaker, the January 18 edition of Newsweek carried a perceptive, well-written essay by Mrs. Vicki Williams of Andrews, Ind.

Mrs. Williams, who works in an electronics factory in Huntington, Ind., has eloquently presented one citizen's view of the social programs her tax dollars support. I insert Mrs. Williams' essay into the CONGRESSIONAL RECORD and commend it to my colleagues in the hope that they will read it carefully and give full consideration to its message:

THE VIEW FROM $204 A WEEK

(By Vicki Williams)

I consider myself the classic "poor overburdened taxpayer" that you hear so much about these days. I work for an electronics company and make $6.58 an hour which translates into $204 per week after deductions, $30.21 of which are Federal withholding taxes. I have a husband, laid off, whose unemployment compensation has run out, and a 13-year-old son who thinks he should have a leather coat, a P.K. Ripper motocross bike, a Pioneer stereo and an Asteroids game. It bothers me a lot that I can't afford to buy him any of these things. It also bothers me that I'm not sure how we're going to fill up the fuel tank often enough to stay warm this winter.

There is something else that bothers me, though not to the same extent as my son's unfulfilled desires or the ever-hungry fuel tank, and that is that every single politician and editorialist is positive he knows exactly what I think. Everyone seems to be wildly anxious to be my spokesman. Yet these people don't know a damn thing about how the "poor overburdened taxpayer" thinks or lives. I imagine it's been quite some time since most politicians or well-known journalists lived on $204 per week, though I've read plenty of complaints from congressmen about their meager salaries. One even said he had to sleep in his office because he couldn't afford to buy a house. Do you know how much pity I can spare for a senator who can't live on $60,000 a year?

TIRED

I know I'm not as articulate as the people who write the editorials for newspapers and the speeches for politicians, but just once I'd like to have on the record the thoughts of an average taxpayer. I'm tired of these people putting their words in my mouth and their thoughts in my head.

One of the statements I read and hear most often is how fed up I'm supposed to be with the amount of my taxes that goes toward welfare, food stamps, programs for the elderly, subsidized school lunches and other supportive social services. Wrong! What the people "up there" don't understand is that I identify with the beneficiaries of these programs much more than I do with the politicians and the media people. "There, but for the grace of God, go I." So far, I have never had to rely on welfare, free lunches or Medicaid, but I very well might someday. When I was divorced, I could have qualified for welfare. Fortunately, I had parents who were in a position to help, but if I hadn't, you can believe I would have swallowed my pride rather than watch my son go hungry. People like me, who live only a hairbreadth from economic disaster, are glad those programs are out there, though we pray we'll never have to use them. We feel sympathy for the ones who do.

In 1977 my sister-in-law was abandoned by her husband. Her health did not permit her to work full time, so she drew $194 per month from the welfare department to support herself and her child. I doubt that anyone can think she lived extravagantly on $194 per month.

I think it's possible that at least one of the very same politicians who are now complaining about welfare recipients might have taken a political junket during one of the months that my sister-in-law and her son lived on $194. Believe me, I resent that junket at my expense much, much more than I resent helping an ADC mother, or buying eyeglasses for an elderly person or free lunches for a ghetto child.

To me, Reaganomics is cruel and self-serving. Reagan seems to be telling us that the United States is a sinking ship and that if we harden our hearts and throw a few people overboard, we can lighten the load. Then, possibly, the Ship of State can sail back to shore. I don't see my country quite that way. The philosophy behind the original structure of the United States is that we are a people who sink or swim together. We don't make human sacrifices.

If there is even one child in this country who is hungry or one old person who needs medical care, then I want my $1,570.92 in taxes to go toward helping that child or that old person. I think this country is based on the philosophy that when that $1,570.92 is gone, we will find more to take its place, as long as the need is there.

I know about the cheaters. There are always cheaters. They are a part of life as surely as death and taxes. Certainly, if they are caught, they should be punished and denied aid, but I know we'll always support some cheaters along with the "truly needy."

If we have to give a free lunch to one child whose parents could afford to pay in order to give free lunches to nine children who genuinely deserve them, so be it.

BENEFITS

The much-touted tax cut doesn't make sense to me. Perhaps there's a complicated economic formula that explains the logic of a tax cut at the same time we're slashing Federal programs because of lack of funds, but if so, I missed it. I pay $30.21 per week to the Federal government. As I understand it, when all the tax cuts are in effect, I will only pay $22.66, giving me $7.55 extra to save or spend. Well I could do a few things with $7.55 a week but, had I been consulted, I would have just as soon paid it and kept the food-stamp program or veterans' benefits intact. I suspect that the government will give it to me with one hand and take it away with the other.

You see, I really believe that most politicians and media people think that those of us out here in America who work in the factories and offices are ignorant. I believe that they think we will never catch on to their sleights of hand. I believe that they think they can tell us the grass is black one day and white the next and we'll never trust ourselves enough to look down and say, "Why, that grass isn't black or white—it's green!" Well, we know the grass is green. We just don't know what to do about it.

We don't really believe that 56 oil companies recorded 98 percent of the increase in all corporate profits from 1978 through 1980 for our benefit. We don't believe the tobacco subsidy is for our benefit. We don't believe that congressmen who were violently anti-AWACS magically changed their minds for our benefit. We know it's always us who pay the bills that result from the politicians' machinations.

I wish a politician would come along who'd tell me that the grass is green.●

A SENSIBLE, BUT HARD-LINE APPROACH TO FOREIGN AID

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GINGRICH. Mr. Speaker, the United States is currently looking for a proper approach to foreign aid. One of the most compelling approaches I have noticed was stated in a recent Newsweek article by Dr. Garrett Hardin. I am inserting this article into the CONGRESSIONAL RECORD with his permission, so that my colleagues will have a chance to examine Dr. Hardin's theories on foreign aid.

The article follows:

THE TOUGHLOVE SOLUTION

(By Garrett Hardin)

Why should the United States be concerned with the suffering of poor countries? Two sorts of reasons are given, one moral and the other prudential.

The prudential reasons are plausible, but basically unsound. We are told that if we don't take care of a poor nation it might attack us. Nonsense. Modern warfare is so expensive that even rich nations cannot afford it. If a poor country can't afford bread, it certainly can't afford guns. International terrorism comes cheaper, of course. So long as there is envy in the world—which is forever—terrorism will be a tempting option. The answer to terrorism is police action: this is not a perfect answer, but it is the best there is.

What about this: "If we don't take care of poor people in their own countries, won't they migrate into ours?" Unfortunately, there are 2.5 billion poor people in the world, and they are increasing by 40 million per year. We cannot possibly keep up with this need. Our responsibility is to keep our country from being overwhelmed by immigrants. The responsibility of each poor country is to keep the excess population from being produced.

LESSON

What remains are the moral reasons for helping other countries, and these are weighty. But we must remember what we have learned from domestic experiences: we can't solve social problems by blindly throwing money at them. We've had a salutary lesson in the development of India and China during the past three decades. Since 1950 India has received massive foreign aid from many countries, but China from only one country (the Soviet Union) and that only until 1957. At the outset the two countries were equally miserable and had equally poor prospects. Today? Without question the people of China are far better off. Foreign aid did not rescue India from poverty; lack of aid did not handicap China. In fact, it may be that China did so well precisely because she was not "helped" by "aid."

Back in 1945 Mao Tse-tung committed China to a policy of "regeneration through our own efforts." Fertilizers and factories are splendid things, but far more important than technology is what is inside the heads of men and women. Foreign aid can supply technology: the people must be willing to make the social changes that will make technology work.

It is essential that we distinguish between crisis and crunch. When an earthquake killed 23,000 peple in Guatemala in 1976, that was a crisis. The world responded generously, and it should have. But when thousands—or millions—of people die of starvation in an overpopulated country like Bangladesh, what we are confronted with is not a crisis but a crunch. Ninety-four million Bangladeshi live in an area the size of Iowa—which has only 3 million people. Bangladesh, with its fertile soil and a climate that permits three crops a year, is a rich country, but not rich enough to add three-quarters of an Iowa every year to a population already 30 times as large. Direct food aid to such a country merely subsidizes further destructive population growth.

Sensing that gifts are bad, we generate euphemisms to hide our tracks. "Concessionary rates of interest" is a euphemism; anyone who can borrow money at 3 percent when the going rate is 8 percent is getting a gift. Poor countries ask for, and get, loan after loan. As their debt mounts, the burden of "servicing the debt"—paying the interest—becomes unbearable. Finally, since foreclosure is out of the question, the lender has no choice but to forgive the debt.

DRUGS

Way back in 1953 John Foster Dulles saw the direction foreign aid was taking. "You know," he said to a friend, "aid is like opium. There are withdrawal pains when you remove it." I think we have now reached the stage when foreign-aid addicts should be subjected to the "cold turkey" treatment. Most of the world's wretchedness is caused by the crunch of overpopulation, which will only be made worse by the drug called "aid." That this drug is addictive is shown in a statement made by the President of Kenya in 1980: "No country can maintain its economic independence without assistance from the outside." What a long way from Mao, and what a curious definition it implies of "independence"!

Now that rich countries are catching on to the corruption of the word "loan," poor countries are taking a different tack: they are demanding concessions in foreign trade. They want to be paid more than market prices for their exports and to buy at less than the market—gifts under another name.

Times are changing. Notice what is happening to parenting. We are relearning what has been known for thousands of years: love must be combined with discipline. Recently, a group of American parents, driven to distraction by their children's drug taking and rampant hedonism, joined forces to lay down the law to their children—with love. These parents meet to exchange ideas, and they meet with their children to say, "Shape up or ship out." significantly, the parents called their organization Toughlove.

COURAGE

Toughlove parenting is perilous, but it has at least the possibility of solving problems permissiveness has created. Toughlove takes courage. some of the children clear out. This is hard on parents, but they accept the risk because the alternative of continuing to support irresponsible behavior is worse.

Relations among nations must be guided by Toughlove, too. Spokesmen for poor nations now threaten us with the loss of their love if we do not give them everything they demand. We must be prepared to lose their love out of genuine concern for the long-term interests of their people. Most of the poor countries are, in fact, rich--rich in natural resources. It is their governments, usually, that are poor.

To realize a country's inherent richness, a government must see to it that population matches the carrying capacity of the land. China has shown how to use incentives and discentives to work toward this goal. China's methods may not be acceptable everywhere, but the goal should be universal. Each country must choose the means that meshes with its culture. Outsiders can furnish the technology of birth control, but population control must grow out of the will of the people, expressed through their political decisions.

There is no survival without self-reliance, which cannot be donated from the outside. Self-reliance must be generated inside each nation, by the people themselves. There is no other way.●

PAYING TRIBUTE TO DONALD SCHRADER, STOCKTONIAN OF THE YEAR

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SHUMWAY. Mr. Speaker, it is with both pride and pleasure that I ask my colleagues in the House of Representatives to join with me in paying tribute to Mr. Donald Schrader of Stockton, Calif., who has been selected to receive the Stocktonian of the Year Award for his outstanding contributions to our California community.

Don's donations of time, ability, and philanthropic concern have certainly earned him this distinction, which is but one of many well-deserved honors he has received through the years. For the past decade, Don has served as a vital and effective coordinator of the Special Olympics, accompanying retarded youngsters to Los Angeles for participation in that heartening event. Don is also a director of the San Joaquin County Association for the Retarded. Don's exceptional work with retarded individuals was honored in 1975, when he was honored by the Council for Exceptional Children for his work with these youngsters. Don's many contributions and efforts to improve the lifestyle of retarded individuals and their families are not only helpful, but based on personal experience: Don's oldest child, now 22 years old, is so handicapped.

Don Schrader's civic involvements are not limited to aiding the retarded, however. He has participated in virtually every aspect of community life geared to guiding America's youth, from the St. Mary's High School Parents Council to the Pacific Athletic Association, and including such groups as the Boy Scouts, Girl Scouts, Blue Birds, Cub Scouts, Y Indian Guides, Campfire Girls, and Little League teams. He has also continuously supported hockey and high school sports in general, and San Joaquin Delta College. Don's service to public education has been honored by the local chapter of the California Teachers' Association, which presented him with the John P. Williams Award in 1972. This was particularly fitting, as Don began his working career in the teaching field before moving to California in 1965.

Today, Don is associated with McDonald's, operating 12 such outlets in San Joaquin County and in Sacramento. His story is one indicative of personal success and selfless sharing of that success and of his experience with others. He is a fine choice for the Stocktonian of the Year Award, and I am most pleased to have this opportunity to share his accomplishments with my colleagues.●

RYAN KIM

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DORNAN of California. Mr. Speaker, trustworthiness and loyalty are just two of the qualities required to attain the rank of Eagle Scout. I would like to bring to your attention one individual who displays these qualities plus many more. Ryan Kim will be honored at his Eagle Scout ceremony January 29, 1982.

Ryan Kim is 16 years old. He was born in Korea and immigrated to the United States at the age of 5, becoming a U.S. citizen when he was 12. Ryan has maintained an "A" average throughout school. He currently attends South High School in Torrance, Calif., where he is a junior. He is enrolled in honor math, chemistry, English, and American history classes. In addition to this impressive curriculum, Ryan is an aide in the chemistry lab, the public relations manager on the staff of the high school newspaper, and won his letter in track last year as a sophomore.

Outside of school, Ryan has been very active in the community, his church, and of course, Boy Scouts. In addition to being a member of Boy Scout Troop 586, Ryan Kim is also active in the Medical Explorer Scout Post 333 and volunteered at Little Company of Mary Hospital in Torrance.

Mr. Speaker, our country needs more active, dedicated citizens such as Ryan Kim. I commend him on his accomplishments and am proud to represent such a fine individual.●

KEEPING THE PROMISE OF YALTA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LaFALCE. Mr. Speaker, the suppression of the Polish people's attempt to wrest reform from their rulers has revived discussion of the Yalta agreements that divided Europe toward the close of World War II. Roosevelt and Churchill acquiesced in Soviet hegemony over Eastern Europe in return for what they thought were valuable concessions by Stalin: Russia's entry into the war against Japan; an agreement to go forward with the United Nations; and a guarantee to hold free elections in Poland, Hungary, Romania, and Bulgaria.

The open letter to President Reagan and Members of Congress by John F. Kopczynski, chairman of the board, St. Mary Manufacturing Corp., North Tonawanda, N.Y., published in the Buffalo News, Buffalo Courier Express, and the Tonawanda News, goes to the very heart of the matter—the promise made by the Soviets at Yalta in 1945 to give self determination to the Polish people. That promise has never been kept, but it must be. It underlies all the dificulties Poland is now experiencing.

The Polish people are a brave, courageous, religious, and indomitable people. Their yearning for freedom has not been squelched and will not be squelched by the Soviets. Self-determination is still their goal.

I direct my colleagues attention to Mr. Kopczynski's letter which follows and call for a recommitment by all nations to the agreements made by all nations 36 years ago at Yalta.

Mr. John F. Kopczynski's letter follows:

An Open Letter to President Reagan and Members of Congress

Mr. President, Senators, Representatives, in February 1945, Winston Churchill, sitting across from Franklin D. Roosevelt and Josef Stalin at Yalta, told them: "Poland must be mistress in her own house and captain of her own soul."

Stalin responded: "Poland must be free, independent and powerful."

And Roosevelt declared: "The elections (in Poland) must be above criticism, like Caesar's wife."

Then, in a final communique, these leaders of the world powers said in one voice:

"The Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal sufferage and secret ballot."

Roosevelt, Churchill and Stalin represented not only the thinking in their own countries, but also that of their allies—most of the nations of the world which together were defeating the Axis powers.

Today, hungry, cold and tormented by a bureaucratic regime not of their own choosing, the 35 million people of Poland are desperately calling for fulfillment of the promises made to them 36 years ago.

After almost four decades of unrelenting discomfort resulting from inept government, they yearn for a voice in their own destinies.

Millions have turned to Solidarity because it represents a force which might make their voices effective in shaping their government. But Solidarity simply happens to be an available vehicle for determined expression—bound to come sooner or later—of their desire for what was promised them in such clear terms at the end of the World War II.

The pledge of free elections came not just from the United States, although our country now seems alone in speaking out for the Polish people. It came from Russia, it came from Great Britain, and—in reality—it came from all the allies they led to victory.

Let those nations in that great alliance for human freedom now reaffirm the commitments to Poland.

We helped the defeated nations rebuild after World War II, with our Marshall Plan, because we knew stable, prospering countries benefit the entire world economy. Doesn't this same reasoning apply now to aiding Poland, and any other unstable, economically deprived country?

We must now assist a neglected ally, whose pilots helped win the Battle of Britain ("Never in the field of human conflict was so much owed by so many to so few"—Churchill) and whose infantry spearheaded the bloody conquest of Monte Cassino, breaking the German grip on Italy, at a cost of 4,000 lives. (The 46,000 men of the Polish Corps "fought with utter bravery and disregard for casualties"—U.S. Gen. Mark Clark).

Despite these and other important contributions to the Allied victory, the people of Poland have not received the precious right promised 36 years ago—the right of self-determination.

Mr. President, Members of Congress, we are bound by the promises of Yalta, so are the nations which directly and indirectly joined us in those promises. Please call on them now to carry out their obligation to the people of Poland—so that we can jointly help in the establishment of free elections.●

A TRIBUTE TO UKRANIAN FREEDOM AND INDEPENDENCE

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. MOTTL. Mr. Speaker, January 22 is the anniversary of one of the most important dates in the modern history of Ukraine: That of the rebirth of the independent Ukrainian state.

With the fall of the Russian and Austro-Hungarian empires, both of which controlled Ukrainian territory at the time, the Ukrainians, who for centuries had been resisting foreign domination of their country, took a decisive step toward insuring their national freedom. On January 22, 1918, the Ukrainians declared their full and unqualified independence from all foreign powers.

The Ukrainian Revolution took on, at once, an essentially national character. A Central Council—Central Rada—was established in Kiev and became the center of the Ukrainian liberation movement. It organized the Ukrainian National Army, established Ukrainian schools, introduced Ukrainian administrative and judicial systems, and prepared a Ukrainian Constituent Assembly. By these actions it established a full-fledged independent state: The Ukrainian National Republic.

After a heroic struggle lasting 3 years, the Ukrainian National Republic, as we all know, succumbed to the numerically superior military forces of Communist Russia.

The alien Communist power destroyed the Ukrainian national state and replaced it with a puppet and subservient government with the name of the "Ukrainian Soviet Socialist Republic." Even though it became a charter member of the United Nations in 1945, it is not a true government of the Ukrainian people, but an instrument of the Russian Soviet colonial empire, which enslaves and brutally persecutes the Ukrainian people.

Ukraine, with a population of 50 million, embraces 289,000 square miles, making it the largest country in Europe; in population it ranks fifth, and its natural resources make Ukraine one of the richest European countries. Its capital, Kiev, was the center of eastern European trade and culture long before Moscow was built. Despite its size and wealth, Ukraine is practically unknown; for most people it is "just a part of Russia." This gross misconception stems from the common practice of using the terms "Russia" and "Soviet Union" synonymously. This is incorrect because Russia is only one of the republics which make up the Union of Soviet Socialist Republics.

Ever since the conquest of Ukraine by Communist Russia in 1920, the Ukrainian people have suffered political and cultural repression, economic exploitation, and all-encompassing Russification. Both the Ukrainian Orthodox and Catholic Churches were destroyed brutally. In an enforced collectivization of Ukraine's agriculture in 1932-33, some 7 to 10 million Ukrainians were starved to death by the government-sponsored famine. During and after World War II, hundreds of thousands of Ukrainians were deported, exiled or annihilated for their support of the Ukrainian Insurgent Army (UPA) and the Organization of Ukrainian Nationalists (OUN), both of which fought against the Nazis and then the Soviet Russian occupation of Ukraine.

On the 64th anniversary of the proclamation of Ukraine's independence on January 22, 1918, and the 62d anniversary of the Act of Union on January 22, 1919, whereby all Ukrainian lands were united into one sovereign and independent state of the Ukrainian people, the true ideal of Ukrainian independence lives on in the hearts and minds of the Ukrainian people, as attested to by writings, memorandums, appeals and trials of Ukrainian patriots-dissidents in Ukraine. In mid-1979, 18 prominent Ukrainian political prisoners and members of the Ukrainian Helsinki Group, appealed to the U.N. to take appropriate steps for Ukraine's secession from the U.S.S.R., which they called an "occupation government" installed by Communist Russia. In early 1980 an appeal from the "Ukrainian Patriotic Front" supporting the statement of other Ukrainian dissidents called for the secession of Ukraine from the Soviet Union.

At this time, when the free world is stunned by the Soviet seizure of Afghanistan and Moscow's readiness to move into Poland, the anniversary of

Ukraine's Independence is a reminder of the fact that Moscow's aggression and conquest of independent nations is not a novel development.

In past years many U.S. Senators and Congressmen, Governors and mayors paid tribute to the Ukrainian people on the anniversary of Ukrainian Independence in official proclamations and statements, thus giving encouragement and hope to Ukrainians in their struggle for the rebirth of Ukraine's freedom and independence to which they are rightfully entitled under the law of God.

We hope that American officials will again voice their support of Ukrainian aspirations in this crucial year during which the world at-large is threatened by the forces of darkness more than ever before.●

CONGRESSMAN PEPPER'S ZEST FOR LIFE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FASCELL. Mr. Speaker, I would like to call attention, at this point, to an article that appeared in the Washington Post, which portrays wonderfully the personal qualities of our esteemed colleague, Claude Pepper. In the article, Colman McCarthy describes Claude's cheerful disposition, his firm commitment to his State and national constituencies, and his characteristic awareness of the national political mood.

The elderly, and, indeed, all of us, are fortunate to have a man with Claude's unswerving principles and zeal as an advocate.

Pepper's Ageless Zest for Life

(By Colman McCarthy)

Whatever your taste in politics or poetry, this was a charming moment. Rep. Claude Pepper, the 81-year-old congressman from Florida, was speaking over the phone with 89-year-old friend Archibald MacLeish. "I hope you're enjoying life," said Pepper, who placed the call from his House office to MacLeish in the poet's home in Massachusetts. "Other than your little hearing impairment, I hope your physical condition is good. You've got eight years on me! I'm only 81. You give me something to shoot at!"

Pepper laughed jovially. He chatted for 10 minutes with MacLeish. The congressman had phoned America's greatest living poet for his advice about a joint session of Congress late in January to observe the centennial of the birth of Franklin D. Roosevelt. MacLeish suggested some appropriate FDR readings, which was why Pepper had phoned.

A few days earlier, Pepper was in the national eye at the White House Conference on Aging. In the weeks before, his office had received 130 requests for interviews. For a little while, that may have made the Miami Democrat the most sought after member of Congress. But on a higher level it was a coalescence of interest in one of American politics' unique figures.

As chairman of the House Select Committee on Aging, Pepper has maintained a mountain-high vision of what government should be doing to better serve its elderly. With more than 4,000 citizens turning 65 every day, and 25 million already there, Pepper represents this national constituency as a pugnacious but reasonable advocate.

This was the committee that the House never even wanted to let in the front door. It began in the early 1970s when Sen. David Pryor (D-Ark.), then a representative, rented a trailer and held unofficial hearings. Pryor had worked incognito in a nursing home where he witnessed the shabby treatment given to the elderly.

When Pepper took over the committee, he was familiar too—in personal ways—with the abuses visited upon the old. Nearly every issue involving the elderly to come before Congress—from restrictive mandatory retirement laws to malnutrition among the old—has engaged Pepper. Behind his legislative zeal is a philosophical attachment to Shaw's notion about the old: "Some are younger at 70 than most at 17."

The hour and a half I had with Pepper the other morning was to enjoy an uplifting mixture of history lessons, political nuances and ideals of public service. Pepper gives personality to a style of hearty liberalism now out of fashion, at least temporarily.

The abandonment of liberalism by some of the younger politicians in Congress springs from two causes, he believes. First, they came to Washington not "deeply rooted in liberal convictions." And second, once here "they don't want to be identified as liberals because they think public opinion has turned away from the humanitarian influence in public affairs . . . They are fearful of their political lives, and they think that (liberalism) has come to have an unfavorable association."

Of the nine presidents Pepper has served under, he gives a low ranking to Ronald Reagan. With animation, he says that Reagan "comes the nearest to having the charm of President Roosevelt. But I would think that one would be unhappy to have it said that I'd hardly done anything that was meaningful in any affirmative way for the people of my country. Now he wants to cut more and more and more."

Pepper felt honored that Reagan mentioned him in his speech at the conference on aging. But, wistfully, he says he has never met the president. The night before our conversation, Pepper had been to the White House for "an official hosting" of the Congress. But Reagan went upstairs early and missed the chance to talk with Pepper, leaving the Senator to say: "I had rather looked forward to meeting the president."

Should Ronald Reagan's spirit ever sag in the year about to dawn, one sure pick-me-up would be a long visit with Claude Pepper.●

DEREGULATION OF FEDERAL CREDIT UNIONS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. BARNARD. Mr. Speaker, deregulation has been the hallmark of Congress for the last several sessions, and congressional actions regarding financial institutions have been no exceptions. One group of institutions, Federal credit unions, has been eager to accept deregulation and operate free from Government protections and restraints.

This week, the National Association of Federal Credit Unions is hosting its annual congressional caucus. I take this opportunity to commend FCU's for meeting deregulation head on and NAFCU, under the leadership of President John Hutchinson, for its role in helping FCU's adjust to changes in the financial marketplace.

I also bring to my colleagues' attention a notice of proposed rulemaking issued recently by the National Credit Union Administration (NCUA) which regulates federally chartered credit unions. NCUA is contemplating a virtual elimination of its restrictions on advertising, maturity, minimum balance, early withdrawal penalties, and other limits on share, share draft, and share certificate accounts at Federal credit unions. NCUA wants to give FCU board members the flexibility to set up savings account programs which best serve their members' needs.

I commend NCUA for taking this bold step and carrying on the congressional mandate of the Depository Institutions Deregulation and Monetary Control Act one giant step further. The Federal Government should not be deciding what savings accounts look like. Rather, institutions should be free to decide for themselves how to respond to the competition for savings.

I for one am tired of institutions which hide behind the protective skirts of Government regulation. This year, Congress will consider granting different kinds of institutions additional powers to help them compete among themselves that such legislation will be passed by this Chamber. But until institutions are eager, as are the FCU's, to embrace deregulation, they will become anachronisms and soon be replaced by new entities willing to keep up with the demands of the market.●

TO HONOR AMERICAN ADVERTISING SERVICES, INC. ON THEIR 25TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FOGLIETTA. Mr. Speaker, I address the 97th Congress today to pay tribute to a man who is a true American success story, Joseph H. Ball. Mr. Ball started it all 25 years ago with a rented desk and a $35 typewriter. Today his American Advertising Services, Inc. is a miniconglomerate with such diversified holdings as an art and design school, a promotion firm called "Whims for Rent," two business newspapers, a worldwide information network—all in addition to its full services advertising agency ranking in the upper 10 percent in its geographical area.

Joseph Ball is still the major force behind the success of his firm. He is involved in all aspects of the business, and is continually looking to expand his ventures into new and exciting areas.

The Delaware Valley has been lucky to have the benefit of his experience in the advertising field. The "Solar Utilization News" (SUN), is widely read in the Solar field; the "Advertising/Communications Times" is the leading area business newspaper for executives in marketing and related fields and is recognized as the Nation's "best regional advertising journal." The newspaper also sponsors the ACT Accolade Celebrity Luncheon which each year honors outstanding communicators. Proceeds from this event provide a scholarship to someone entering the fields of advertising or communications.

I salute Mr. Ball and American Advertising, Inc., as an inspiration to all Americans.●

WEISS URGES INDIAN POINT SHUTDOWN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. WEISS. Mr. Speaker, safety risks associated with the Indian Point nuclear generating facility at Buchanon, N.Y., were the subject of 3 days of hearings held last week by a special Nuclear Regulatory Commission panel near the plant. Indian Point, sited just 30 miles north of New York City and within 50 miles of 21 million people, unnecessarily endangers the health and well-being of local residents. The plant has a history of safety errors and poor management, and inadequate emergency preparedness planning around the plant makes the potential for disaster great.

The effect Indian Point has had, and could have in the future, on public health and safety especially concerns me as a New York City Representative. I believe Indian Point units 2 and 3 pose very real dangers to the New York metropolitan region. Simple mathematics confirms that the potential for personal injury and property damage is dramatically increased by the heavy population density surrounding the plant and the plant's history of safety errors. These were highlighted in hearings following the accident here in October 1980.

This now-famous accident record has heightened concern of residents not only in Buchanon and in other local communities, but to many people in my district in New York City as well. Their concern has become even more justified by recent evidence of the poor management which was found to have contributed to the damage as well as to the risk of health hazards at the plant when a water leak at unit 2 dumped radioactive water into the environment on October 17, 1980. A representative of the office of the attorney general for the State of New York later concluded that the operating utility, Consolidated Edison, had ignored a recurring problem which led to the leak.

That accident briefly threatened widespread radioactive contamination. In addition, the costs of providing replacement power forced consumers to pay an average of 10 percent more on monthly bills. The State public utilities commission later ruled correctly that Con Ed had to refund part of the outage cost fees collected because management was partly responsible for the accident.

In March 1979 the near-disaster at the Three Mile Island Nuclear Plant jarred the American public into the realization that nuclear powerplants pose real health dangers. At the Indian Point site, the 1980 accident at unit 2 reinforced this conclusion. With evidence of mismanagement, rising electricity costs, unreliable emergency plans, and just cause to believe that the utilities were operating in disregard of public health and well-being, is it any wonder that people in this region were indignant?

For local community residents and people in New York City the growing fear and concern might have been mitigated by proper emergency preparedness planning. Unfortunately, inadequate emergency preparedness plans for the Indian Point plant have created a disaster in waiting and this fact, together with the plant's safety problems, has actually increased concern.

It is astounding that the current emergency preparedness plan all but ignores the 7 million residents of New York City. While providing only for radioactive monitoring of air, water, and food in and around the city, the plan makes no provisions for sheltering or otherwise protecting city residents from the possible health effects of radiation. If this is logistically impossible, as the industry has suggested, then this tells us that there simply is no justification for continued operation of this facility.

Even the known usefulness of potassium iodide as a radiation-blocking agent to lessen the health effects of radiation has been ignored in this plan, even though the director of the New York City Bureau of Radiation Control in the Department of Health advocates distribution of potassium iodide for protection in case of a radioactive emergency.

The monitoring system to be used in the city is, at best, vague, and the emergency plan details nothing more definite than ad hoc planning for futher or more serious emergencies. For the people of New York City this is foolishly inadequate and creates risks which need not exist.

Neither has any effort been made to undertake a public information campaign to alert those who might be affected by a radioactive release to the procedures to be followed in the event of such an emergency. Not even residents within 10 miles of the plant, most directly and dangerously threatened, have received explicit notification of procedures. Such poor emergency, preparedness planning shows utility disregard for public health and safety.

The refusal of the utilities to consider the psychological impact of Indian Point further weakens public confidence and heightens public fear. This issue of the psychological effect of nuclear plants on public health and safety really has advanced into an issue in its own right and should be addressed.

Earlier this month a U.S. court of appeals ruled that the psychological impact on local residents of operating the undamaged unit at Three Mile Island must be considered as part of the health and safety requirements of the National Environmental Policy Act. In its ruling, the court stated that an environmental study must be done by the NRC of the impact restarting unit 1 would have on "the psychological health of neighboring residents and on the well-being of surrounding communities." I strongly urge the board to give due consideration to this criteria in its safety evaluation for Indian Point.

Consolidated Edison, operator of unit 2 here at Indian Point, and the power authority of the State of New York, operator of unit 3, have recently campaigned to undermine this criteria, calling those who support it, scaremongers. The utilities' use of risk assessment data to try to minimize psychological factors in evaluating a nuclear powerplant's safety addresses only a part of the question. There is sufficient concern in the metropolitan region that Indian Point units 2 and 3 create an unnecessary and avoidable risk to merit looking beyond facts and figures and questioning whether the risks of Indian Point can be justified at all.

The justified anxiety felt in local communities and in New York City is not readily dispelled by an arrangement of facts and figures nor by name calling. The dangers of Indian Point are well beyond standard statistical measurement, and will grow as the population within 50 miles grows to a projected 24 million over the next 20 years. There is little to be gained from the Indian Point Nuclear Plant, and everything to be lost.●

TAX EXEMPTION FOR PRIVATE SCHOOLS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. WIRTH. Mr. Speaker, for more than a century, Americans have fought to end racial discrimination in the United States. The struggle has already been painstakingly long and difficult, and some Americans gave their lives. However, progress was made. That struggle has suffered a setback. Efforts to return our Nation to separate and unequal societies are gathering strength and becoming more threatening.

In this climate in which the voices of segregation are being heard once again, it is particularly distressing that some of them have now heard what they perceive as supportive statements from the highest levels of the U.S. Government.

Civil rights is of central importance to most people in the United States, and most have been deeply concerned about several actions of this administration. The announcement earlier this month that the administration was reversing 12 years of national policy and bestowing tax exempt status on two discriminatory schools hit America like a bombshell. The statements and actions which have followed in the wake of the public outcry have hardly been reassuring.

The fact of the matter is that no new legislation is needed to insure that segregated academies are denied the signficant benefits of tax exemption. Laws already on the books are quite clear. Title 6 of the Civil Rights Act of 1964 prohibits racial discrimination in institutions receiving Federal assistance such as tax benefits. Courts have been clear in ruling that educational institutions are eligible for tax benefits if they perform services which benefit the public. Discrimination on the basis of race is clearly not such a service.

The IRS has had the guidance it has needed to determine that more than 100 schools to date were practicing discrimination and therefore ineligible for tax-exempt status. What we do need is a reaffirmation of the IRS authority to deny tax benefits to discriminating schools and an order for the IRS to use its existing authority to vigorously enforce this policy.

Failure to enforce existing law banning Federal assistance to those who discriminate sends a dangerous message to the tiny minority who would wipe out the great progress which has been made in ending discrimination. As it stands now, even blatantly racist institutions could receive taxpayer subsidy. That would be a profound assault on the rights of all Americans, and must not be allowed to happen.●

REDUCTION-IN-FORCE PROCESS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. PARRIS. Mr. Speaker, this morning I participated in a hearing before a subcommittee of the House Government Operations Committee in which we discussed the various problems associated with the reduction-in-force process. I focused my remarks on the need for the Office of Personnel Management and the various agencies to aggressively implement more appropriate outplacement programs. I would like to submit my statement into the RECORD at this time.

STATEMENT OF STANFORD E. PARRIS

Madam Chairman, thank you for allowing me the opportunity to express my views on a serious matter that affects all Federal employees. The reduction-in-force process is having a devastating impact on Federal workers and their families. The problems encountered are not limited to those employees who have actually had their employment terminated. Thousands of Federal employees throughout the country are experiencing much anxiety and low morale due to the uncertainties which face them on a daily basis. I believe that the hardship and frustration could be alleviated somewhat if the Office of Personnel Management and the individual Federal agencies would aggressively implement out-placement programs.

During the past year, my office has worked closely with many federal employees, agencies, and officials from OPM in an effort to identify and solve the problems the RIF process has produced. After reviewing complaints and cirticisms for several months, it appears that federal employees need better counseling regarding employment opportunities in the private sector.

Last spring, we were all very optimistic about the pre-RIF placement effort which resulted in OPM's establishment of the voluntary inter-agency placement program (VIPP). But the VIPP Program is not as effective as we had anticipated. One major flaw in implementing the VIPP program may be attributable to agency structure itself. I strongly support the idea that closer cooperation and interaction between budget office staff and personnel office staff is necessary if we are going to have effective agency RIF planning.

It is essential that action be taken immediately before agencies take any further steps to reduce their workforce. Agency personnel offices must put forth a greater effort to assist their employees in finding positions outside of government. I would hope that the Office of Personnel Management would take the necessary steps to insure that agency personnel offices are putting forth their best possible effort.

In many instances, a RIFed federal employee is placed at a disadvantage because of the negative attitudes, reservations and misconceptions that many private sector employers possess.

Agency personnel offices recognize this situation but are not always able to counsel their employees properly, because they lack the necessary funds. I feel that agency personnel offices should make counselling the top priority, especially in the large agencies where there is more flexibility.

The majority of agency staff time seems to be devoted to developing retention registers and responding to employee requests for RIF information. Personnel officers are spending the bulk of their time implementing the RIF. The First priority should be assisting the RIFed employee in outplacement and this is not what is taking place.

There are several areas where agencies need to make changes. In many cases, outplacement staff lack proper training and numbers for effective out-placement. As a result, out-placement staff are not able to match skills and experience of federal employees to jobs in the public or private sectors. In some instances, federal agencies often require unreasonable prerequisites to qualify for vacant positions.

A few private sector out-placement specialists have assessed agency out-placement programs and have informed the Federal Government Service Task Force of their findings. These specialists maintain that agency personnel officers are preoccupied with implementing the RIF and that they delegate unprepared co-workers to handle out-placement. Private sector out-placement specialists also believe that an out-placement officer must have pre-established ties with the private and public sectors in order to uncover job opportunities and provide critical counseling to job seekers about aggressive personal marketing techniques.

Federal employees must continue their own efforts in locating employment but agencies should be devoting more and better resources to the out-placement effort. Perhaps priority should be given to placing those RIFed employees whose current jobs identify them as the most difficult to place. It has also been suggested that seminars could be held to educate private sector employers in the federal job classification system. This might help to eliminate the misconception that federal employees are not qualified for certain jobs in the private sector.

I would like to stress that the recently displaced federal employee requires individual counseling. The VIPP program was established to assist federal employees along these lines but the program has had difficulty in matching job skills with job qualifications listed by applicants. It may be that the VIPP structure is the best available vehicle for placing RIFed employees but I think it can be improved upon.

The Office of Personnel Management could help to improve the entire RIF process in a number of ways. Agencies should be required to focus more on out-placement. One way to help accomplish this would be for agencies to coordinate activities between their budget and personnel staffs so that the RIF planning processes can begin at an earlier date. OPM could also draft regulations which mandate RIF Boards upon which employees would sit. This might help stimulate agency development of better contingency plans.

It should be a management priority of all agencies to re-hire RIFed employees before considering individuals from outside of government. I would also like to see OPM and the various agencies consider job retraining in an effort to reduce the number of separations. The Civil Service Reform Act permits job retraining and I believe we could achieve significant results with a minimum investment.

I would prefer that agencies absorb their budget reductions through attrition rather than RIFs and furloughs. Priority rehiring for RIFed employees and job retraining could also ease the affect of budget reductions. If OPM and the various agencies took these steps in addition to better counseling and aggressive out-placement programs, the hardship and frustration associated with RIPs could be reduced significantly.●

VOICE OF AMERICA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DERWINSKI. Mr. Speaker, I would like to direct the attention of the Members to the "Letters to the Editor" column of the Catholic Standard, published in Washington, D.C. Mr. Constantine R. Jurgela, a former employee of Voice of America, speaks out on the objectives involved in the programing of Voice of America broadcasts. I insert his very informative and interesting commentary on this subject.

VOICE OF AMERICA "TELLING THE NAKED TRUTH" DOES NOT MAKE "FANCIFUL PROMISES"

(By Constantive R. Jurgela)

The criticism of Voice of America programming (Letters, Standard 12/17) should not overlook its chartered mission, rather than imaginary, and differentiate practically the broadcasts into various geographic areas with different cultural, strategic, linguistic and political interests.

Of necessity, political objectives differ not only in various language broadcasts but in the English-language broadcasts going to different areas. It is understandable that there should be several geographic divisions with a number of different languages in each, with different objectives and different emphases.

In my 23 years of service I noted that the European division at one time embraced several branches—Western, Northern, Central and Eastern Europe. A Russian Service has grown from a branch, ultimately into a division embracing Armenian, Georgian, Ukrainian Uzeb and other services and finally practically into a separate Voice of America with its own news service, commentaries, special events and production branches.

The Arabic service at one time became nearly a 24-hour unit, like the Vietnamese service had been for awhile. The Latin American unit had its one-hour direct broadcasting, recorded programs for hundreds of radio stations in different countries. But after Fidel Castro, this unit has grown into a division with several branches broadcasting in both Spanish and Portugese. Broadcasts in Finnish, Hebrew, Kalmuk and several other languages were discontinued.

As in every organization, there are dedicated expert public servants in the Voice of America and their are "world travelers." Directors come, they are handed facts, figures, et cetera, for testimony before Congressional committees, for public speeches. They are sent on inspection trips—while the operational aspects are handled by persons who were there since the days of FDR and Harry S. Truman. The work and morale suffer somewhat from the so-called domestic foreign service.

In my own experience, a new superior arrives, tells me he knows nothing about radio or the Baltic area, and asks for materials. A week later he tells me what to include—or drop—in programming and I refuse, since I am responsible for all broadcasting to Lithuania, and for a while to Latvia.

Believe it or not, one of the most effective writers, whose commentaries were most appreciated by the editors of services to the "captive European nations," was the late Bertram Wolfe, a former Communist and organizer for the Communist Party of Mexico.

For European audiences, the late John Albert wrote political scene commentaries, always faithfully following official policy yet written with European audiences in mind. There were a number of capable writers.

In so far as U.S. government policy in concerned, the Voice of America cannot and does not spread fanciful bluster, not substantiated by the words of the President or the Secretary of State.

It was a great pleasure for me to hear the escapes—the sailor Simas Kudirka, the oceanographer Dr. Eringis and others—commend me and the Lithuanian service of the Voice of America for telling the naked truth rather than make fanciful promises.●

INNER-CITY ENTREPRENEURS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GARCIA. Mr. Speaker, it is with a sense of pride that I speak of men such as John Mariotta and Fred Neuberger as well as many other inner-city entrepreneurs who have dedicated their energies, financial resources and their talents to reviving the distressed regions of the Nation's cities. Indeed, it is just this spirit that I would like to see unleashed and supported in enterprise zones located in urban areas such as the South Bronx.

Doing business in the South Bronx is a difficult task as it is surely in many other distressed cities. The problems of poor infrastructure, crime and economic decay have all been well documented. But this task is made even harder when many corporate and government officials take a dim view toward our most economically disadvantaged places. The intensity and determination expressed by entrepreneurs such as those who are making it today in our inner-cities should be encouraged and praised. Theirs, is a story similar to many others which built our country and an indication that businesses can make it in the all but abandoned inner-city.

Today I am recommending to my colleagues an article of just such an effort entitled "It's the People That Count" which was recently included in INC. magazine. It is a most encouraging story.

IT'S PEOPLE THAT COUNT

(By Cheryl Morrison)

John Mariotta, a Puerto Rican high school dropout with three bankruptcies behind him, is still getting used to his role as president of a company that did over $12 million worth of business this year.

The president's background isn't the only unlikely thing about Welbilt Electronic Die Corp. Even less auspicious is its location. You've heard of Fort Apache, the Bronx? In 1965, as other companies were beginning to head for the suburbs with the urgency of wagon trains under attack, Mariotta and a partner founded Welbilt in a garage not far from Yankee Stadium. Each time the company has outgrown its quarters, Mariotta has reaffirmed his decision to stay by purchasing still more space amidst the rubble of an area that has become synonymous with urban blight.

Mariotta's loyalty to the Bronx extends even to his living arrangements. Though he drives an expensive company car, he and his wife still live in the same four-room apartment they moved into 16 years ago—in the same week he started Welbilt. "The only difference," he remarks, "is that 16 years ago it was $150 a month and now it's $450, and it's older and in worse condition."

How has Mariotta finally hit the jackpot? Hustle and hard work haven't hurt. As Welbilt has grown, Mariotta has put in more hours rather than fewer. "You can't relax," he says. "In business, there's no such thing as security."

According to his employees' accounts as well as his own, Mariotta is on the job night and day, keeping close watch on Welbilt's operation and staying in close touch with its 250 workers. One of the worst tasks he ever faced, he says, was giving layoff notices to some of Welbilt's workers during a tight spell a few years ago: "I had no choice. It was either that or the whole company. But I hated it. I know these people, and I know some of their families."

Mariotta was born in Spanish Harlem. His father, a Puerto Rican immigrant, was a tool-and-die maker. After serving in the Army during the Korean War, Mariotta set up a machine shop with his father and brother. The business failed. He moved to Long Island and started a company there. He went broke. He set up another metal-working business; once more he went bankrupt. "I lost my shirt on Long Island," admits Mariotta. "I came back to the Bronx licking my wounds."

Along with his shirt, however, he shed a naiveté that had contributed to his business failures. It was in the suburbs, he says, that he worked his way through "the school of hard knocks."

Some of his lessons had to do with his own limitations. Mariotta had started his Long Island firms on his own. When he founded Welbilt in 1965, he teamed up with a partner who had some business savvy.

"I'm just a tool-and-die maker," Mariotta says. "Some things I don't know about. I'm stupid, so now I get help from other people."

He sought to avoid another pitfall by dealing only with customers who have the capital to back up their orders. More than once in earlier ventures, Mariotta says, he fell prey to undercapitalized manufacturers who ordered parts, then failed to sell their products, leaving them unable to pay for the parts. "If they can't sell their products," notes Mariotta, "you've invested all your time and money for nothing. If they go down, so do you. I learned not to be hustled, not to be conned."

Nowadays, his customers have deep pockets. About 80 percent of Welbilt's work is for the government. The company makes stabilizer fins for the Navy's Sidewinder missiles and cooling kits for Army tanks. It is the sole manufacturer of a device called a Bell crank, which regulates the air intake of engines in the Air Force's F-104 and F-4 aircraft.

Mariotta produced precision metal parts for the military with his old companies, too, but he worked as a subcontractor. "Some of it was sub-sub-sub-subcontracting," he says, "and if there was a break somewhere in the chain, I'd be left whistling for my money."

As Mariotta tells it, there are two kinds of government contracts—small ones that truly are put to open bid and more substantial ones that usually go to conglomerates despite ostensibly open bidding. The small contracts, he says, "are cut down to the bone. There's no money in it." For five years, Welbilt hobbled along with small government contracts and occasional commercial jobs.

The turning point came in 1970 when Mariotta signed on a new partner, Fred Neuberger, because his original partner wanted to retire. It was through Neuberger's efforts that Welbilt got its first big government contract.

"We went to the procurement office and looked over the blueprints, and Fred picked out one that was illegible," Mariotta recalls. "Fred said, 'If we can't read this blueprint, nobody else can, either.' We put people to work on that blueprint with magnifying glasses, to figure out how to bid the job. Fred was right. Nobody else could read the blueprint, and consequently no one else bid for the job, so we got it."

Having successfully executed its first substantial government contract, Welbilt was in a better position to negotiate for other high-ticket jobs. The company also benefits from laws that set aside a portion of all government contract work for minority-run firms. The set-aside requirements apply to corporations that subcontract work for the government as well as to the government itself.

The company's most important commercial customers are General Electric's Aircraft Engine Business Group and Western Electric. Neuberger and Mariotta are ardently wooing other corporations in the aerospace industry. They would like to see the company do proportionally more work for industry and less for the government. The corporations, they're convinced, are more likely than the military to follow congressional guidelines on contracts for minority companies.

After Welbilt has done a job for a military installation, it can be pretty sure of getting repeat business—but only from that installation. "Every time we have contact with a new agency," he explains, "we have to go through the same song and dance of proving ourselves—in ways that a nonminority company wouldn't have to.

"The private corporations are skeptical, too, but they're more likely to go along with the set-asides," perhaps in part because they're afraid of losing their contracts by ignoring the rules, comments Mariotta. "Some of our commercial customers first came to us because of the set-asides," he adds, "but when they saw that we did excellent work ahead of schedule, they stayed with us because of that."

The toughest part of doing business in Fort Apache, he notes, is suffering the slings and arrows of government and corporation officials who take a dim view of the place. "The first thing they say is 'Oh my God! It's all bombed out! What kind of a company can this be?' they assume that we're all machete-swingers and spear-throwers," says Mariotta. "You say minority, and they look at you like you had two left hands. They think we're too left-handed to produce, but here we are, producing."

According to Mariotta, the people of the South Bronx are an asset rather than a handicap to Welbilt, partly because they're eager to acquire skills that will help them advance. Welbilt's employees include a score of blacks, 15 East Indians and Pakistanis, 32 Jewish émigrés from the Soviet Union (most of whom are engineers) and 10 native-born white Americans. Almost all the rest are Hispanic. About 90% of the work force comes from the South Bronx.

"The executive corps, I have to shanghai them and bring them in. But the other people are local," says Mariotta. Most, he adds, would be collecting welfare if they weren't working for Welbilt.

Mariotta tells one story after another of employees who started working for Welbilt at minimum wage and are now making $20,000 or $30,000 a year. A man he hired as a driver is now in charge of the company's shipping department. Another, who was living in a cellar and collecting welfare, now heads the purchasing department.

Not even a booster like Mariotta would claim that the South Bronx is teeming with skilled labor. In this age of high technology, tool-and-die makers are hard to find anywhere, let alone in Fort Apache. Welbilt's solution is to train its own workers, a task made easier by the company's investment in computerized machinery.

With the computerised equipment, Marlota believes a worker "can acquire five years of expertise in six months." The sophisticated machines perform automatically many tasks that tool-and-die makers once had to perform by hand.

"Most employers that left or were driven out of the Bronx, besides complaining about the atmosphere, said that the people here cannot be trained to do skilled jobs," says Fred Neuberger. "We have proven that to be wrong."

Welbilt's employees seems to be as loyal to the company as Mariotta is to the South Bronx. "Nobody ever quits," says David Epstein, director of special projects for Welbilt. "The last guy to quit here left about two years ago."

The employees' loyalty has been carefully cultivated by Mariotta through frequent salary raises and promotions, an open invitation to see him personally about problems on the job, and a paternalism that includes lending money for car repairs, medical bills, and unanticipated expenses. Mariotta, this personal concern makes good business sense. "If people are worried, their work is going to suffer," he says. He also believes in tangible rewards for productivity, and once gave each of his 10 foremen a $1,000 bonus for each month they met their production schedule.

Since a large proportion of Welbilt's employees are members of fundamentalist churches, Mariotta set aside space and equipped a chapel for them in the plant. He says it was his own faith in God that made him try to start a company again after each of his failures.

As a test of his faith, Mariotta gives money to beggars he encounters on the street—an impulse most New Yorkers have learned to suppress. Mariotta considers these personal handouts to be different from the welfare system he deplores.

Nor does he see any contradiction between his disapproval of welfare and his enthusiastic pursuit of government aid for Welbilt. The way he views it, his company has saved the government far more in welfare payments, as well as in the cost of metal parts, than it has received in assistance.

This year set-asides account for about 40% of Welbilt's business, a percentage, says Mariotta, that is falling. In addition to the set-asides, Welbilt has benefited from a Small Business Administration program that guarantees loans for minority-owned businesses. Welbilt could become ineligible for SBA assistance and minority-business aid as early as next year, according to the partners. The company's assets grew from $589,540 in 1976 to $6,735,430 in 1980.

As Welbilt continues to grow, so does its need for space. The company's original headquarters was a 20,000-square-foot former garage. When Welbilt expanded a few blocks away to a three-story, one-acre plant formerly owned by a shoe company, it retained the old building to house one of its manufacturing operations. Now the company is taking over a third building, a former factory that, like the other two, sits virtually in the shadow of Yankee Stadium.

With this expansion in the South Bronx, Mariotta is again reaffirming his commitment to an area other executives have found inhospitable. Not once, he asserts, has he been seriously tempted to move Welbilt to the suburbs.

"These are my people," Mariotta says. "I understand them. If I run away from my people, I am running away from myself."●

S.O.S. BY THE COAST GUARD

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. JONES of North Carolina. Mr. Speaker, as chairman of the House Merchant Marine and Fisheries Committee, I am deeply concerned about insufficient funding for the U.S. Coast Guard.

The Coast Guard has just announced operating cutbacks which are intended to cope with a shortfall in operating funds of $45 million. These cuts will result in the decommissioning of ships, the closing or diminution of air-bases, reductions in stations, the shutting of documentation and safety offices, and the elimination of 3,500 uniformed positions. There will be adverse effects in 48 States and several territories and possessions. As a result, safety of life and property at sea will be diminished and law enforcement against drug smuggling, illegal immigration and foreign fishing violations will be reduced.

The Coast Guard missions focus on defense, safety, and law enforcement. It has been clear that for sometime the Coast Guard has been seriously underfunded for the missions we in Congress had given it. Now with the just-announced cuts, its ability to respond will be curtailed even more.

Consequently, I am sponsoring, with broad bipartisan support, a supplemental appropriations bill to provide $136 million of money for the Coast Guard in the current fiscal year.

Among the cosponsors are Congressman GERRY STUDDS of Massachusetts, chairman of the Subcommittee on Coast Guard and Navigation, Congressman DON YOUNG of Alaska, ranking minority member of the Subcommittee on Coast Guard and Navigation, Congressman ADAM BENJAMIN, chairman of the Subcommittee on Transportation of the House Appropriations Committee, and Congressman SILVIO CONTE, ranking minority member of the Committee on Appropriations.

This funding will not expand the Coast Guard's presence, it will merely maintain the current levels of service. In the next few days, I will be approaching my colleagues for their support for this effort. This is one area in which our citizens will not accept budget cuts which represent false economics.

I believe the editorial which appeared in the Raleigh, N.C., News and Observer on January 11, 1982, addressed this issue very well:

"S.O.S. BY THE COAST GUARD"

The nation can sleep better at night knowing the Reagan administration is guarding the coastlines. Right? Not to hear the Coast Guard tell it. The Coast Guard has announced that it will have to discharge 1,000 of its 32,500 enlisted personnel and cancel its May officer candidate school because of budget cuts.

It's a puzzle as to who in the administration could be happy about these developments given the Reagan emphasis on national defense. The nation puts a lot of dependence on the Coast Guard for patrolling the coasts and major waterways, catching drug smugglers and rescuing vessels in distress. But the service comes off in this administration as the poor relation among outfits that provide national security.

While President Reagan was boosting defense appropriations to record amounts for peacetime, the Coast Guard budget for fiscal 1982 was slashed by $46 million. Its members are paid according the military scale, but the Coast Guard received no money to cover raises enacted by Congress last year. As another economy measure, the service is considering mustering out captains who were commissioned in the 1954-56 period.

Maybe the White House knows something the rest of the country doesn't. Perhaps it has arranged for fishing fleets, shrimpers and yacht clubs to plug the gaps in the Coast Guard with volunteer services.●

CONGRESSIONAL REWARDS

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LEE. Mr. Speaker, colleagues, I am today offering for the Record the letter which arrived in my morning mail from an elderly upstate New York couple who read in one of my constituent newspapers about the way Congress rewards itself.

If you were one of the majority of this House who rolled over and played dead during the shameful tax and earnings benefit packages approval in this House before Christmas, I commend for your reading both the letter and the editorial comment which was attached to it, from the Corning, New York Leader.

At the same time, I urge you to investigate House Joint Resolution 344 and H.R. 4807, both of which I introduced to finally bring a measure of integrity to this House's self-reward system. I suggest you will be surprised at how simple it is to solve. You may call my office to cosponsor these. In the meantime, take a moment to compare these sentiments with those in your morning mail:

Painted Post, N.Y.,
January 21, 1982

Dear Representative Lee: When we read the enclosed article about your present raises how do you think people of your district feel? Especially when the elderly—(80 year bracket) have their taxes raised and find it hard to meet and you in Congress keep lowering our benefits. Think about us.

Edith M. Neilson.
Arthur W. Neilson.

[From the Corning, (N.Y.) Leader, Jan. 21, 1982]

BLATANT RIPOFF IS PERPETRATED

Members of the U.S. House of Representatives and Senate can now legally rip off the taxpayers even more flagrantly than they have been doing for years.

The Internal Revenue Service has come out with new regulations, retroactive to Dec. 31, 1980, that allows members of Congress to claim all expenses they can substantiate, or if that's too much work, to merely declare their expenses at $75 per day without itemizing anything.

A legislator need not be in Washington to claim the $75. The only requirement is that the period of deductible expense be within four days of when Congress was last in session.

For a typical congressman, the $75 a day will amount to about $18,000 in additional deductions.

In addition, members of Congress, most of whom travel widely, can deduct expenses for any trips outside Washington, plus interest and taxes on a Washington residence, as well as the standard deductions available to everybody else.

Members of Congress have repeatedly tooted their own horns because their $60,662 base pay level has not changed since October 1979 while inflation has upped the costs of everything else.

The reason they can hang on is because of tax breaks like this wholesale robbery of the public treasury.

And it comes after Congress removed its $3,000 ceiling for living expense deductions and at the same time, voted to throw out regulations that put a ceiling on the amount congressmen can earn from outside sources.

Oh, the poor hard working lawmakers will still have to pay taxes on income from speeches, investments and other sources, but with a tax shelter like the $75 per day rule provides, they shouldn't have any problem coughing up the cash.

You can stop wondering why lawmakers as a group always show up so badly in polls of the public's perception of various classes of society. It's because of blatant ripoffs like this.●

OPPOSITION TO PRESIDENT'S PROPOSED VOUCHER PLAN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FOGLIETTA. Mr. Speaker, I address the 97th Congress today to submit a letter from a constituent of mine who is concerned with the President's proposed voucher plan for housing assistance. Ms. Rosalie Cooper Lowenstein's letter provides a clear and convincing presentation of the problems with the President's plan based on personal knowledge.

To Representative Thomas Foglietta:

President Reagan's proposed Voucher Plan—if passed—will have a devastating effect on the lives of all elderly and handicapped tenants now enjoying needed benefits under the Section 8 Low Income/Low Rental Housing Program. The Voucher Plan will adversely affect those on the "Existing Housing" Program. These tenants are largely unaware that they face virtual total loss of these benefits.

Presently, local housing authorities inspect and approve existing (not new) housing, and set a ceiling rental, assuring the tenant of decent quarters for which tenant pays only 25 percent of income toward rent, the balance paid by the local housing agency (funded federally).

Under the Voucher Plan, inspection, approval and rent-ceiling would be eliminated, allowing facilities to deteriorate without monitoring, and freeing landlords of S8 tenants to raise rents unilaterally. For example, presently I pay $96.00 toward rental of a large efficiency apartment ceilinged at $255.00 My landlord could be counted on to raise my rent (and that of all his S8 tenants) to $300.00 or more. My "housing voucher" (part of the "budget cutting on behalf of the poor") could hardly be expected to exceed $50.00 or $75.00. Thus, "helped" by the Voucher Method, I would be paying $225.00 to $250.00 for rent in contrast with $96.00 I now pay.

With a social security income (my total income) of $347.00, the $96.00 per month rent has enabled me to live in a state of dignity, even enjoying many comforts in my last years. Under the Voucher Plan, I would, once again be reduced to the status of a pauper.

The aged and the handicapped are known to be terrified of another bout with the strenuous labor and excessive anxieties involved in being forced to find a inexpensive yet decent and suitable new location, packing, moving, rearranging, and adjusting (at our age) to another new environment.

Landlords are aware of the urgent (desperate) need of the Old to stay put in the comfortable environment with which (at great cost in fatigue and stress) they have only recently become familiar with.

Thus S8 landlords know they have captive tenants who will go hungry before they will move and who will be forced to pay rents 100 percent to 200 percent greater than presently they pay under that blessed S8 Plan.

I beg of you, spread this information to all the humane Congressmen.●

ACID RAIN—MAYBE THE MIDWEST IS NOT THE ONLY CULPRIT

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CORCORAN. Mr. Speaker, in an October 1, 1981, Congressional Record statement, I expressed my concern about the increasing number of statements being made about the issue of acid rain and its supposed health and environmental effects. I am particularly concerned that Eastern States seem to be pointing to Midwestern States as the sole source of acid rain.

In this connection, I have recently been made aware of a November 23, 1981, preliminary report of a study being conducted by the University of Rhode Island on the long-range transfer of sulfates in the atmosphere. This effort is being conducted by Mr. Kenneth A. Rahn of the Center for Atmospheric Chemistry Studies of the University of Rhode Island's Graduate School of Oceanography.

The preliminary results of this study indicate that acid deposition in the Northeastern States may be derived from sulfur dioxide emissions of local origin rather than from the Midwest as is commonly perceived. Preliminary data from receptor points in Massachusetts and Rhode Island suggest that sulfates in the atmosphere contain little trace of the signature of sources in the Midwest. Some traces of emissions from Canada are found, but the remainder seems to be of local origin. Particularly in view of this kind of information, I continue to urge my colleagues to carefully consider the ramifications of any proposed Federal legislative action on the issue of acid rain.

Mr. Speaker, for the benefit of our colleagues, I insert the text of Mr. Rahn's statement of new evidence on the acid rain issue.

Elemental Tracers and Sources of Atmospheric Acidity for the Northeast—A Statement of New Evidence

(By Kenneth A. Rahn)

During the last several years, a picture of acid precipitation in the Northeast (here defined as the six New England States plus New York and New Jersey) has been built up which attributes the major sources to the Midwest, some 1,000 km distant. Evidence in support of this view is now massive, and includes the strength of SO_2 sources in the Midwest (more than five times as much as in the Northeast), association of highest concentrations of sulfate aerosol with air-mass trajectories from the Ohio River Valley, and "blobs" of sulfate haze which can be followed from the Midwest to the Northeast. During the last two years, an impressive number of articles has appeared in scientific and popular publications attesting to this picture. As a result, two bills have recently been introduced in the Senate (Mitchell et al., and Moynihan), each of which would place the burden of curbing SO_2 emissions on the Midwest.

Although widely accepted, this picture may be weaker at its core than is generally realized. The evidence for midwestern sources of acidity is quite indirect and circumstantial: (1) Just because the Midwest emits five times as much SO_2 as the Northeast, it does not automatically follow that northeastern acidity should be dominantly midwestern in origin—the 1,000-km distance from the Midwest must negate much of this difference, especially in summer, when weaker circulation favors local pollution; (2) The argument from air-mass trajectories implies little about whether a pollutant at the end of the trajectory has actually travelled the entire distance; (3) Tracking a blob of haze is not hard proof either, for there is no way from photographs or visibility alone to determine how often the blob has renewed itself during transport. A blob may represent movement of certain meteorological conditions as much as it represents transport of mass.

During the last decade, our understanding of the true role of long-range transport in air pollution has increased dramatically. Much of this knowledge has come, however, from studies of areas such as Scandinavia or the Arctic, whose sources of pollution are relatively easy to assign, because there is a single strong source far upwind and clean areas between it and the remote receptor region. But in the eastern United States there are no such clean areas; air travelling long distances is inevitably exposed to emissions all along its path. This makes it much more difficult to assign sources properly.

Everybody agrees that acid precipitation has to be reduced, the sooner the better, and that this will involve curtailing emissions in the areas most responsible for it. But with such a huge price tag ($2-4 billion per year for the new bills), it would seem of the highest priority to learn with certainty which sources are most important before attempting massive remedial action. Until recently, we at the University of Rhode Island, who are staunch advocates of the importance of long-range transport of air pollution because of our research in the Arctic, would have gone along with the new bills without a second thought. But we have quite accidentally produced some new data which cast doubt on part of the current picture, and, we believe, call for a more carefully look at the entire system of sources and transport of acidity in the Northeast before major control action strongly oriented toward a particular region is taken. It is the purpose of this document to alert the scientific and legislative communities to the existence and preliminary interpretation of these results.

The new evidence comes from a system of elemental tracers of source areas of pollution which we have developed for our studies of the Arctic atmosphere, to which large amounts of pollution aerosol are routinely transported long distances during winter. During the last 18 months, we have learned how to choose combinations of elements to form unique signatures of several source areas of pollution aerosol, which can be used to discriminate their aerosols from one another even after transport of thousands of km. The first such tracer we developed, the ratio of excess or noncrustal Mn to excess V (called the Mn/V ratio for short), has allowed us to resolve aerosol from the eastern United States, Europe, and the Central Soviet Union, all after transport to the Arctic. This was the first application of elemental tracers to large-scale source areas; its success has convinced us that this new approach will rapidly become a powerful tool in atmospheric science. In the future, many more elemental tracers will be developed and applied to a wide variety of problems that might otherwise be intractable.

While working with the Mn/V ratio in the Arctic, we realized that it could also be applied to regional-scale transport within the eastern United States, for the Mn/V ratios of the Midwest and the East Coast are quite different, and can be told apart easily. This approach should enable us to document the sources of atmospheric acidity with a greater resolution than was possible previously. By measuring Mn and V in the Northeast during episodes of sulfate and acidity and during nonepisodic periods, we felt that we could confirm the midwestern origin of episodes: Mn/V ratios of episodic aerosol should be midwestern, but Mn/V ratios between episodes should be more northeastern.

Only recently have we had proper data with which to do this. There are now three data sets available. The first, from High Point, New Jersey, during the summers of 1976 and 1977, showed an eightfold difference in Mn/V ratio between air masses coming from the Midwest and those coming from the East Coast. As expected, air masses from the Midwest carried higher sulfate. The other two data sets, from Watertown, Mass. and Narragansett, R.I., gave an entirely different picture, however, and had essentially no midwestern Mn/V ratios. The data from Rhode Island, which is comprised of over 60 samples spanning both summer and winter, showed no correlation at all between sulfate and excess Mn, excess V, or Mn/V ratio. Strong episodes of sulfate were seen, but they were usually accompanied by an eastern Mn/V ratio. Overall, the aerosol appeared to be strikingly eastern—at least 90 percent of the Mn/V ratios were purely eastern in summer; in winter, the aerosol was somewhat more varied but still markedly eastern. (Other elements in these samples appeared to indicate the detectability of the plume from the Sudbury, Ontario INCO smelter which emits 10 percent of the North American SO_2. Elements characteristic of this plume appeared nearly every time a strong cold front passed through Rhode Island, when the winds came briskly from the NW for a day or so. Interestingly, levels of sulfate during these periods were very low. Because of the importance of this source to Canadian-American exchange of acidity, and because it is such a striking example of the power of elemental tracers, we intend to pursue this topic.)

The Rhode Island data did contain four cases of "midwestern" Mn/V ratios, however. But only one of these could be traced to the Midwest, and that came during a period of extremely strong westerly flow during winter, and brought low sulfate. The other three cases could be traced by meteorological maps to the Southeast, via a new and unexpected type of atmospheric transport. Apparently, air from the Southeast first travelled eastward over the ocean, then northward to New England under the influence of a strong upper-level trough. This pathway allowed it to miss the entire East Coast, and hence to preserve its southeastern signature.

What does all this new evidence mean? We do not propose that it challenges the basic picture of long-range transport in the Northeast—such an allegation would be premature. But we think it is significant that the first attempt to confirm the accepted picture through direct evidence has given such unexpected results. Instead of a monolithic Midwestern source, the Northeast is now seen to have a rich variety of sources and transport, a complexity that was totally unanticipated: the Sudbury plume can be detected after transport across the entire Northeast; the Southeast pollutes New England; the East Coast pollutes itself considerably. Ironically, the (midwestern) source that we had expected to find the most easily has proven the hardest to detect.

Perhaps some of our results depend on the nature of the technique (Mn and V supply information on the primary submicron aerosol, whereas sulfate and acidity are secondary, hence may have different origins); perhaps not. But whatever the eventual outcome, it would seem prudent to exploit the new resource of elemental tracers by undertaking a systematic study of the multi-elemental composition of aerosol and precipitation throughout the Northeast and in the various possible source areas. Such an investigation should go far toward revealing the sources and transport of acidity in the Northeast.●

ROBERT F. DEANE—SAN DIEGO'S ORIGINAL MR. "NICE GUY"

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. LOWERY of California. Mr. Speaker, I wish to bring to the attention of this body—and make it a part of the RECORD—the recognition being accorded to a notable gentleman of San Diego, Mr. Robert F. Deane.

Mr. Deane is, foremost, a constituent living in my 41st Congressional District and, therefore, worthy of whatever accolades may befall him. There are other civic activities in which he has distinguished himself in our home city, some of which were duly noted in a column by the well-known writer, Frank Rhoades, in the San Diego Union of Sunday, January 17, 1982.

For his civic endeavors Mr. Deane is being toasted by a gathering of friends and enemies on the evening of Friday, January 29, 1982, on the occasion of his ending a 2-year reign as president of a group called the Nice Guys. Mr. Deane was a founder of this organization, whose membership is symbolized by its title, with the possible exception of a couple of hardheads who gained entry by subterfuge, disguise, or outright lies.

The Nice Guys sponsor fundraising events for worthy causes, and a sellout was assured for this fundraiser because of the hundreds of people who would pay to get Mr. Deane out of the president's office. Most of them could not find anything better to do that evening, anyway.

An added cause for celebration is the fact, which Mr. Deane advertised widely, that January 28 marks his 50th birthday. However, he did not specify January 28 of which year, which has caused some speculation among those in the senior citizen set in San Diego. I do not wish to open a debate on the floor of Congress about a man's correct age, therefore, I will do no more than raise a skeptical eyebrow on this subject.

In addition to the Nice Guys, Mr. Deane has been active in the Boys Clubs of San Diego, the Leukemia Society, and other worthy projects. He currently serves as administrator of the senior citizens medical clinics of the city. Some of the doctors, nurses, and administrative personnel of those clinics volunteered, even pleaded, for the opportunity to enter their remarks about Mr. Deane in this space. I had to refuse them the privilege, of course, for fear the results might cause overtime pay among the congressional censors. I must admit, however, that their remarks might have made very interesting reading and perhaps would have presented a more truthful and accurate portrait of our honoree.

In all seriousness, I deem it a pleasure to recognize Mr. Robert F. Deane, and commend the attention of my colleagues in the House of Representatives to his civic good deeds and to the fine contribution he has made to San Diego.●

OPINIONS OF THE NATIONAL PTA IN BUDGET CUTS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GARCIA. Mr. Speaker, I would like to share with my colleagues a letter which I received today from the National PTA which expresses many of the opinions that I and several of my colleagues hold regarding budget cuts in the field of education. The letter is from the president of the organization, Ms. Mary Ann Leveridge, who has firsthand knowlede of the cuts which have crippled our Nation's vital commitment to education.

More than $6 billion has already been cut from the budgets of elementary and secondary education programs. The Office of Management and Budget has suggested cutting an additional $400 million from these programs.

Such massive reductions in funding can only have the most severe effects on education in this country. Cuts of this magnitude threaten to endanger our ability to cultivate our most valuable resource—our young.

I enter this correspondence into the RECORD.

The Correspondence follows:

[Opinions]

THE NATIONAL PTA

Washington, D.C., January 21, 1982.

Hon. ROBERT GARCIA,
Cannon H.O.B.,
Washington, D.C.

DEAR MR. GARCIA: This letter reflects the National PTA's deep concern about the future of education and our Nation's children as the White House and the Office of Management and Budget prepare to recommend further federal budget cuts in education and social programs for fiscal year 1983.

We are 6 million parents and child advocates who must respond to these decisions that affect local schools, communities, and, most of all, our Nation's children. We believe that the education of our children is the most important long-term investment that this country can make in regard to our economic and democratic future.

We also believe that the Reagan administration was correct last year in highlighting crucial problems when it directed the Nation's attention to our declining productivity, the need to reinvest in our own industrial capacity, our unyielding high inflation and interest rates, unemployment figures that exceed 9 percent nationally (and more than 50 percent for minority youth), and the need to redirect efforts toward educational excellence and a more rigorous academic program for elementary and secondary school students.

Now, though, the Administration and OMB are in the process of crippling education and social programs which may lead to the demise of institutions instrumental in restoring the United States to a more prominent world economic position.

During the past twelve months, elementary and secondary education has had more than 12 percent of its fiscal year 1981 and 4 percent of its fiscal year 1982 Federal funding rescinded. In addition, the Reconciliation Act cut the school lunch program by more than 30 percent and lowered the authorization levels of every major education program by at least 50 percent through fiscal year 1984 without any hearings for public testimony. Although this already represents a $6.5 billion cut from ED's fiscal 1981 budget, OMB has recommended slashing that figure by another $400 million.

Why do we find these cuts so frightening? Primarily because these drastic cuts translate into unmet needs for children and our society. Federal spending on elementary and secondary education programs comprises little more than 1 percent of the Federal budget. Yet that small percentage translates into more than 10 percent of the average school district's budget in 1980.

Reductions contained in the recent round of budget cuts are going to shut down many school lunch programs; raise school lunch prices beyond the means of many families; deny special education to the handicapped and disadvantaged; decrease vocational education opportunities at a time when job shortages in skilled trades, engineering, and semi-skilled trades prevail; and eliminate categorical programs as a result of a 40 percent cut in monies going to local programs.

In social programs, caseloads will increase, day-care centers will be closed, juvenile status offenders will be incarcerated with hardened criminals, successful Head Start programs will be discontinued, and health care services for our most vulnerable and disadvantaged will be threatened.

These disproportionate cuts in education and social programs are targeted for the generation that represents the future of our country—children and youth, who are least able to be heard through the political process. Simply speaking, further cuts in budget or programming cannot be permitted by Congress.

As the second session of the 97th Congress convenes, you will have the opportunity to demonstrate your confidence in public education by:

1. Opposing all further spending cuts in education and social programs;
2. Supporting the Department of Education with Cabinet-level status;
3. Maintaining focused attention on the unique needs of the disadvantaged, the handicapped, and other special populations.
4. Opposing tuition tax credits.

It is taking time for our membership to recognize the implications of the unrealistic economic assumptions that will lead, eventually, to more drastic steps than those that have already been taken. We appreciate all the efforts that you have made over the holiday recess to inform your communities of what has already been done. We urge you to continue to use the Congress as a forum to inform the public. We will do all we can to help.

A strong economic system and a potent national defense depend ultimately on a strong system of public education at the federal level—as well as at the State and local levels. The educational tree required trimming, but let's not tear it out by its roots. Your support and help in making reasoned and careful decisions during these very critical weeks will be much appreciated. We will help.

Sincerely,

MRS. A. T. LEVERIDGE,
President,
MANYA S. UNGAR, *Vice-President.*●

CIVICS/CLOSEDUP MAGNET SCHOOL PROPOSAL

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mrs. BOGGS. Mr. Speaker, as one deeply committed to the development of civic mindedness among our young people, I have been particularly impressed with the closeup program, administered by the Close Up Foundation.

This program provides students and teachers with an unparalleled opportunity to examine, understand, and participate in the political process. While it focuses on the Federal Government, the closeup program is designed to stimulate increased involvement by students and teachers at the State, local, and school level. It is the largest Government studies program for high school students and teachers in the country.

In an effort to increase participation in its closeup program, the New Orleans Public Schools System developed the "magnet school concept." This innovative plan provides for one high school in each district to be designated as the classroom site, with each high school in the district sending five students to the magnet school. In this way, resources are consolidated and experiences are shared among many.

Last Wednesday, I had the opportunity to meet with a group of young New Orleanians who have participated in the civics/closeup program offered by the Orleans Parish School System. They were an impressive group, and I think their involvement in the civics/closeup program made their visit to Washington more enjoyable and productive. Students from the following public schools in New Orleans participated in last week's Washington closeup session: Joseph Clark High School, Walter Cohen High School, Warren Easton High School, Alcee Fortier High School, Benjamin Franklin High School, McDonogh High School, McMain Magnet School, L. E. Rabouin Vocational High School, Spectrum High School, and Booker T. Washington High School.

It is with great pleasure that I refer to my colleagues the civics/closeup magnet school proposal developed by the New Orleans Public Schools System:

CIVICS/CLOSE-UP MAGNET SCHOOL PROPOSAL

(Amended Oct. 9, 1981)

For more than a year now the Civics/Close-Up Advisory Council, composed of educators and representatives of various elements of the community, has been engaged in developing a program which would both increase Close-Up participation of public school students and maximize the learning potential of the Washington experience. After considering several working proposals, the council is pleased to present a magnet school concept to accomplish this goal.

Under this design, each of the four districts of the New Orleans Public Schools will have one of its high schools designated as the Civics/Close-Up Magnet School site. (Preliminary planning has identified McMain, Carver Senior, McDonogh #35, and Landry as the four magnet centers.) At each magnet school site one Civics/Close-Up class will be conducted by a participating teacher for five students from each of the senior high schools assigned to that magnet site. These classes may be scheduled to meet fifty minutes before the beginning of the school day (7:40 a.m. to 8:30.); students would return to their district schools during the first period for their other classes. Another option would permit students to travel during the last period of the school day; the class would meet from 3:45 to 4:15 p.m. Both students and parents would agree to this travel/study period and commit themselves to raising one-half (½) of the funds required for the Washington, D.C. trip. The project will provide each student with a one-half tuition scholarship and cover the cost of travel to the magnet class and two trips to Baton Rouge. (As the program progresses, it should be possible to raise some of the scholarship funds from the local business community thus expanding the program or reducing the New Orleans Public Schools' financial burden.)

The magnet-site teachers will be responsible for planning the magnet classes, preparing local curriculum materials, securing community speakers, and coordinating the combined local and state activities. Each magnet site teacher will verify that students in that class are eligible for scholarship assistance and are engaged in raising their share of the travel expenses. In addition these teachers will handle all coordination with the National Close-Up staff.

Each participating high school will have a teacher assigned to the project. This teacher will be responsible for administrative details concerning that school's participating students, i.e. scheduling and student performance in other courses. These teachers will have direct responsibility for assisting students in raising their one-half of the travel funds. Participating teachers will accompany their students on the Washington trip.

In developing this magnet concept, the Advisory Council has consulted with various school administrators and students who would be most directly impacted by this program. Their interest and support are encouraging. Mr. Clifford Francis, Principal, McDonogh #35 Senior High School, sees the program as "a plus" for his school. He prefers the morning schedule option and "is willing to give maximum support" to the Civics/Close-Up concept. Mrs. Velma Pryce, Principal, Landry Senior High School, is excited that Landry will be a magnet school, and welcomes it as another community involved program of the school. She has pledged her full support for a before school class.

Mr. Alan Guma, Principal, McMain Magnet School, is also pleased to be involved and is willing to accommodate either a morning or an afternoon class. Mr. Henry Johnson, Principal, Carver Senior High School, believes this is an excellent idea and is "excited that Carver was chosen." He prefers the afternoon scheduling option.

Where teachers for the magnet classes have already been tentatively identified, they are pleased and excited about the Civics/Close-Up concept and eager to get underway. At Clark Senior High where the Supervisor of Social Studies discussed the program, students were enthusiastic about the magnet concept and so excited about the class that they would participate at either time option. These strong expressions of support coupled with unanimous excitement reflect and reinforce the general feelings of the Advisory Council towards this proposal.

An analysis of recent New Orleans area Close-Up participation lends urgency to this proposal to upgrade the participation level of this school system. For the 1980–81 greater New Orleans area Close-Up Program, a total of 73 schools sent 686 students to Washington. The New Orleans Public Schools' contingent consisted of 49 students representing 20 schools. The remaining 53 schools sent 637 students. This means then that high schools of the New Orleans Public Schools averaged less than 2.5 students per school while the rest of the area schools sent slightly more than 12 students per school.

These rather dismal figures are reflected in the statistics for the entire ten years of New Orleans area involvement in the Close-Up experience: New Orleans Public Schools, 3.46 students per school; all other participating schools, 10.34. The New Orleans Public Schools have averaged 65 student participants each year of the program.

This proposal's goal of a minimum of 100 students per year, therefore, represents a 50% increase over the previous ten year average. Clearly the Civics/Close-Up Program is vital if the students of the New Orleans Public Schools are to begin to reach the participation levels of the rest of the metropolitan area.

This is indeed an ambitious undertaking the Advisory Council has developed; more New Orleans Public Schools students will participate in the Close-Up experience on a higher achievement level than was possible before. Principals, teachers, students, and community members are excited about this program. I hope that the New Orleans Public Schools will act favorably on this request so that Civics/Close-Up will become a reality; this is indeed an unique opportunity for the New Orleans Public Schools and our students to form a firm partnership with the business community to improve our instructional program.●

TRIBUTE TO JOSEPH D. DUFFEY, FORMER CHAIRMAN, NATIONAL ENDOWMENT FOR THE HUMANITIES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SIMON. Mr. Speaker, in December 1981, Joseph D. Duffey stepped down from the Chairmanship of the National Endowment for the Humanities. Dr. Duffey served as Chairman from 1977, during a period when the direction of Federal involvement in the humanities was subject to question and debate, in an economic climate of retrenchment and the reordering of Federal priorities. He proved a voice of reason and stability and steered the course of the Endowment along lines of academic integrity as well as public participation.

During his Chairmanship, the Humanities Endowment did what it was chartered to do: promote quality research and public involvement in the varied fields which make up the humanities.

Dr. Duffey continued the best traditions of the Endowment, developed by its initial legislation in 1965 and continued through 15 years of changing politics in the White House and Congress. In the December 1980 issue of Humanities, Dr. Duffey describes his philosophy of the Federal role in the humanities:

> The implicit limitation on Federal support concerns basic freedom of expression. Scholarship in the humanities is a form of intellectual expression peculiarly needful of the protection of the First Amendment. It would be dangerous and unwise for the Federal Government to dominate the agenda which determines the areas of inquiry into philosophy and politics, into history and literature, into religion and language—not to mention ethics or the theory of the arts.
>
> Accordingly, the NEH very early on adopted a competitive system of peer review of applications for funding. The most important effect of this system is to protect freedom of expression, to interpose a barrier between inquiry in the vast domain of the humanities and its direction by government.

Dr. Duffey continues to explain the importance of the peer panel review, a system which takes the bureaucrat and politics out of the business of choosing which projects to support:

> I believe this system has worked quite well. To be sure, it has lacked the dramatic excitement of bold policy pronouncements, task force reports, and crash programs. But the combination of NEH's broad quidelines and its peer review process, while fulfilling its function of protecting free expression, has also allowed for constant evolution and change.

Dr. Duffey articulates the expansiveness and diversity of the history, philosophies, religions, and cultural heritages of this Nation and the value of all to the study and appreciation of the humanities in this Nation. His Chairmanship and the accomplishments of the Humanities Endowment well reflect his views:

> America is complex. Its cultural life is not "organized" nationally or regionally, and should not be. Its hierarchies of wealth and taste are always subject to attack by newly emergent expressions of quality. Every current of the world's traditional wisdom, like every current of the world's blood, flows through our people. Let us beware, then, of oversimplification and of an ahistorical sense of ourselves. Nothing is so valuable an antidote to those errors as witnessing the complexity and diversity of the cultural creativity which, originating in the thousands of applications addressed to the Endowment, flows through its review processes.

As chairman of the subcommittee with jurisdiction over the Endowment, I believe Dr. Duffey represents the kind of public servant of which the Congress and our constituents can justifiably be proud. We look forward to his future contributions as an interpreter and critic of culture, as an adviser on human affairs, and as a clear voice in support of the value of the humanities both behind the ivy walls of academe and in our everyday lives.●

CRITICAL ISSUES FACING AMERICA

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. GORE. Mr. Speaker, on October 21, 1981, the Congressional Clearinghouse on the Future sponsored the first in an authors series featuring new books which address critical issues facing America.

Our first author was Dr. Daniel Yankelovich, founder of the Public Agenda Foundation and one of the premier social researchers in the Nation. Dr. Yankelovich directed his remarks to a discussion of his most recent book, "New Rules: Searching For Self-Fulfillment In A World Turned Upside Down."

Mr. Walter Hahn of the Congressional Research Service and Mr. Rene Zentner served as respondents to the presentation.

Mr. Speaker, I commend to all of my colleagues in both Houses of Congress the full text of the presentation.

CRITICAL ISSUES FACING AMERICA

Thank you very much. I am pleased and honored to be here. Driving over this morning, Ms. Ellision explained some of the work of the Congressional Institute For The Future and the need for Congress to think about and plan for the future. I was reflecting on the early days of the futurist method and how much it relied on a "black box" (i.e., on mysterious methods that could not be made clear to the layperson) and on predictions that could be confidently presented only because they concerned the 21st century when few of us would be around to check them.

Gradually, however, we are abandoning the black box and flat predictions for the sake of an approach that is more commonsensical and, I believe, more reliable. It is, first to identify one's assumptions about the kinds of changes that are projected for the future, and second, to correct these assumptions as the changed occur. It isn't as mysterious or as glamorous, but it is a disciplined way of thinking about the future.

Within this framework, let me make explicit some assumptions about four changes that we believe will make the American public psychology in the 1980's different from what it was in the 1960's and 1970's. My book, "New Rules," is written about one of these changes, but all four together provide a framework for thinking about the 1980's.

GROWING OLDER

The first change is the aging of the population. We are growing older: a fact that everyone knows but not everyone has thought about. In the 1930's for example, the dependency ratio—the number of people in the workforce who support those over 65 who are not working—was 9 to 1. Now it is 3 to 1. By 1990 it will be 2 to 1. This one fact is so overwhelming in terms of the burden it places on our society and on the relation between the generations (the young who work and the old who do not) that it is difficult to exaggerate.

Demography is always important, and this aspect of demography (the aging of our population) seems to me one of those decisive factors that has to be taken into account in making any assumptions about the future.

GROWING VULNERABILITY

A second set of factors, also obvious, are the changes in the economic environment and their effect on people—leaving Americans with a tremendous sense of vulnerability. Those of you in the Congress have a better feeling for this vulnerability than we do.

As our country's incredible thirty-year economic boom, stretching from the mid-1940's to the mid-1970's, begins to recede, it appears in retrospect as perhaps a unique period in world history. Certainly, it was the greatest economic boom the world has ever known, the greatest period of growth. And of course, we in the United States were the world's pace-setters.

By the end of the 1970's Americans began to experience an actual decline in their standard of living. This economic vulnerability was reinforced by a sense of vulnerability in foreign affairs. The public was stunned by what was happening on the foreign front, especially the taking of the hostages in Iran and our seeming inability to do anything about it. When we did try to do something active, our helicopters broke down and we encountered disaster in the desert. The Soviet incursion into Afghanistan was interpreted by President Carter as the most serious threat to peace since World War II. The press and many knowledgeable people in the foreign policy field derided Mr. Carter's statement, but the public accepted it at face value. It was one of those decisive interpretations of events that greatly influence public opinion. Afterwards, our surveys detected a pick-up in interest in strengthening our defenses and antagonism toward the Soviet Union that had been partly suppressed in the interest of detente. It was after Afghanistan and Mr. Carter's statement that the latent antagonism came to the surface. Such events, including the presence of Cuban troops in Africa and other things happening to us in the foreign field, were experienced by Americans as humiliations. It was felt that we were being pushed around, thwarted, frustrated.

When we examine the reaction of the public to these experiences we find strong evidence of pessimism and concern. For example, 72 percent of the public now believe that "this land of plenty is becoming a land of want." Surely this is an over-reaction, but it is an understandable reaction to events. In the surveys my firm, Yankelovich, Skelly and White, conducts, we often ask the public to imagine what their life will be like ten years from now. However troubled people may be at the moment, when they think about the ten-year future they usually are more sanguine and optimistic. That continues to be true, but now a majority of Americans state that ten years from now they don't think they will be able to buy a new home or to own a home of their own. This change is an important one.

NO INTERPRETATIVE FRAMEWORK

These considerations lead to a third factor. When people experience a setback that is the opposite of their expectations they have an almost desperate need to understand why it is happening, especially why it is happening to them. This need for some kind of an explanatory framework is something all of you in Congress understand very well. But one facet of it that is not well understood is that no one warned the American public that this change was coming. It is very difficult for people in positions of leadership to understand the full shock of the surprise. Most of you have attended countless conferences and seminars and committee meetings in recent years where you learned about the energy crisis.

the increasing competitiveness of other nations, the changing rules of the economic front, etc. You made your own adjustments and calculations, so that this recent spate of negative news has been interpreted by you within a framework based on some understanding and some knowledge. But for the average American the bad news came like a bolt out of the blue. Americans were totally unprepared for any reversal in our national fortunes.

The psychology of the American majority up to just a few years ago was a feeling that it was time to relax and enjoy, to enjoy the fruits of affluence. When the setback came, not only didn't people understand what was happening and why, they were utterly unprepared psychologically for the change and they weren't given any credible explanation of what it all meant. The result is that today people are reacting badly: they've been thrown of balance, and are disoriented.

We are living through a change that many observers have characterized as a shift to the right. I see it less as an ideological shift than an emotional one. Let me explain what I mean. There is some evidence from surveys of a growth in conservatiive attitudes, but there is much confusion and contradiction in the evidence. I interpret the surveys as showing that the public is suffering from temporary disequilibrium by virtue of being thrown off balance. In seeking to regain their sense of control, some new atttitudes are conservative; others are not. This is quite a different matter than an enduring swing to the right. Americans are confronted with a novel situation that no one has explained and they are filling in that void with whatever explanation lies at hand. Now, the most popular explanatory framework that people have embraced is "get government off our backs." Swollen government bureaucracies and budgets explain some of our problems and contain some element of truth. But any single explanation is limited. What happens when you blame government and things don't improve? I believe that in the 1980's we will see much wild experimentation with explanatory frameworks, of which blame-the-government is only the first. It's going to be a very confusing period; politically, it will be wide open to political leaders who meet people's need for a credible explanation of what is happening, why it is happening and what we should do about it.

SOCIAL MORALITY

A fourth factor, the theme of my book, "New Rules," is the search for a viable social morality. In the 1950's and 1960's most Americans belonged in one of two categories of people—people who put their family first and people who put their work first. Those were familiar types, hardly worth mentioning. The only time the categorization became noticeable was when suddenly in the late 1960's there began to emerge a third type of person—people who put their own self-fulfillment ahead of family or work. The new values of self-fulfillment were rooted in affluence, in the feeling that there was enough material well-being to permit us to enjoy and consume the products of our rich economy. We became a consuming society in that period.

For years most Americans simply assumed that the problems of supply were solved. Therefore, all one had to worry about was how to distribute the goodies. In the latest edition of his classic book, "The Lonely Crowd," David Riesman criticized himself and people like Kenneth Galbraith for having emphasized post-industrial attitudes prematurely. We were lulled into believing that we could afford to neglect the problems of keeping the economy vital. Many Americans assumed that we had enough affluence so that the problem, say, of making a living was "a piece of cake"—you lost your job, so what, get another one. This attitude became prevalent in the 1960's and 1970's, rooted in the conviction that there was no need to make the kinds of sacrifice one's parents had to make. It wasn't so much that people were unwilling to make the sacrifices as a feeling that there's no need for sacrifice. Why not live a little? Let us shake ourselves free of attitudes rooted in the past. We can have more of everything, and in fact we're entitled to more of everything.

There is an important point to be made about this set of values. Not only is it based on affluence, but it also reflects a deeply felt rebellion against an older ethic. And since that rebellion was led in the 1960's by college youth, that is by adolescents, from the outset the rebellion has had an adolescent character. It is in the nature of an adolescent rebellion that it must be negativistic and extreme. So, throughout the 1970's we were experimenting with new values defined essentially in opposition to our traditional morality.

These new values were not confined to young people or to a small counter-culture. They may have started that way in the 1960's but in our annual studies of changing cultural values throughout the 1970's we found that 80 percent of the American population were experimenting with these new values.

In the process of experimentation, millions of Americans discovered that many aspects of the new social morality did not work for them. For one thing, many failed with respect to their economic premises. To the extent that the new values presuppose that everybody's standard of living will increase annually in a steady upward trend, to the extent, that is that the problem of the economy is presumed to be solved, to that extent the new values are clearly inappropriate to the new economic climate in which we live today. People also found that some of the new values do not work for them in their personal lives. Through the inner journey they were seeking a life that would be broader and more spiritually enriching than their present life. In pursuing the new values people expected to find greater intimacy in their personal lives, but all too often found instead loneliness and isolation. They sought greater elbow room for their lives, but instead found themselves living narrower lives. They were searching for freedom from commitments, but they found rootlessness, depression and emptiness.

The bright side of this story is that in taking these risks with their lives people learned valuable lessons from their experience. This willingness to take chances distinguishes us from many Europeans who are afraid of risk. Experimenting, taking risks, learning, making adjustments—this is a healthy, and very American process. We are going through a period that is in many respects fertile and creative as people learn from their mistakes, and learn how to find a balance between old values and new ones.

We have challenged the values of traditional duty, sacrifice for others and self-denial, experimenting instead with a new ethic based on duty-to-self. That new ethic simply isn't working. So small wonder that those Americans today who are sure of their moral certainties have seized the initiative, but the vast majority of Americans, particularly the younger, well-educated majority, find themselves in a state of confusion and funk about their own moral certainties as they sort out which parts of the old morality and which parts of the new one makes sense.

In which direction are we now moving? I believe the present disequilibrium is momentary. We find ourselves plunged into a period of confusion because the objective changes in the world are enormous and the changes in our social values and morality are also enormous. But with time people do adjust and adapt, and that is happening now. With good leadership—and this, of course, is essential—we will recover our equilibrium and sense of control The present disequilibrium is fertile ground for demagogues. I am heartened at the absence of scapegoating and demagogery in this climate. One might easily expect more; it is a measure of America's maturity that there is so little. Political leaders have an excellent opportunity to give people a credible explanation of the changes and the reasons for them in order to accelerate this process of constructive adaptation.

Secondly, I don't believe we are going to go back to yesterday. The changes are too great, they're too deep-rooted.

Americans no longer feel, as 80 percent did a generation ago, that it is wrong for a wife to work if her husband can support her. Today a majority of Americans (about 57 percent) want to have the option of continued work involvement rather than total retirement. Much of our legislation is based on the values of the last century, but there are new values in the land and they are going to effect changes in our legislation and social morality.

Finally, I would like to speculate briefly on what the new social morality might be like. If in the 1980's we're going through a process of rediscovering some old values and blending them with new ones, what will the new synthesis be?

Let me mention first some of the values we are reclaiming. We are rediscovering the future. Our preoccupation with living in the present is beginning to recede, and people are starting once again to express concern with the future. The Clearinghouse is a measure of that rediscovery.

We are rediscovering quality and excellence and skills. Partly this rediscovery reflects taking a longer range point of view; if you're worried about tomorrow you become interested in quality. Partly the rediscovery of skills comes from the tightening competitive situation in the world economy. We need skills to survive.

We are also rediscovering a faith in technology; the passion for nature and the natural is receding somewhat, with a growing conviction that new technology, whether in micro-processing or genetic engineering, will help us out of our present slump.

We are rediscovering a firm dedication to moral and religious values. Americans suspect that crime and violence, our economic troubles and even our military weakness have their roots in a flabby social morality. This is a very traditional American perspective that Americans are coming back to.

What, then, is new? If these are some of the older values that are now re-emerging, what are the new values that will combine with them? One is an intense desire to retain freedom of choice in one's lifestyle. Seventy-three percent of Americans say that greater choice is what differentiates their own lives from their parents' lives. Women, for example, want to be free to choose to be a housewife, to choose the traditional role without stigma. But they also want the freedom to choose work and career as an alternative.

Throughout the country various communities and cities are becoming more aware of themselves as communities, more determined to solve their own problems. There is a real hunger in people to reach beyond the self—to become part of the larger community. I see in people's outlook a readiness to take a more cooperative stance, for example, changing attitudes in unions and among management, shifting away from the familiar adversarial posture to a new cooperativeness.

These changes in social morality are more fundamental than the political categories of left and right. It would be wise for us to put aside these categories because they do not lead to useful predictions about the future. If you were to make inferences about the future based on the so-called swing to the right, the chances are that many of them would be wrong. Consider, for example, the public's desire to increase the military budget. This sentiment has been growing spectacularly in the country for a decade, rising from 11 percent to more than 70 percent. This is one of the steepest rises ever, reflecting the change from the post-Vietnam outlook to the post-Afghanistan outlook. From the point of view of a swing to the right one would assume that this desire is strong and firm. But just in the last few weeks the polls show a rise in the public's desire to cut that budget rather than social programs. One would not anticipate such softness if one were thinking in terms of a swing to the right, because those who hold a firm conservative view feel strongly that the military budget should have top priority, come what may. I could point to many similar instances where inferences based on the swing to the right theory would lead to false predictions. A sounder basis for inference is to assume that the present mood reflects the struggle of Americans to regain their equilibrium and to find a new social morality.●

AID FOR DISABLED IS DEFENDED

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. MURPHY. Mr. Speaker, with the passage of Public Law 94-142, the Education for All Handicapped Children Act, in 1975 the Congress issued a strong bipartisan message to the Nation's citizens—that each handicapped child has a right to a free appropriate public education and that the Federal Government would assist States in providing such an education. However, only 1 month after the International Year of Disabled Persons, 1981, which proclaimed worldwide recognition for the needs of the disabled this opportunity is being seriously challenged by the Department of Education's proposal to repeal the act through the imposition of block grants and to reduce the funding for this program substantially below current levels.

It is widely recognized that in your State as well as mine, any major alteration of Public Law 94-142 will mean that many handicapped children may be denied their right to appropriate education programs. We must keep in mind that this statute, even with its short history, is working successfully to bring Federal and State education officials together with teachers and school administrators across the country to provide a free appropriate public education to nearly 4 million handicapped youth.

In this regard, I would like to enter into the RECORD an article that appeared in the January 10, 1982 issue of the New York Times. It was written by Edwin W. Martin, who served in the Federal Government's program for the handicapped from 1969 to 1981 and was the Department of Education's first Assistant Secretary for Special Education and Rehabilitative Services. I hope that my colleagues will give this issue the serious attention I believe it merits.

[From the New York Times, Jan. 10, 1982]

WINTER SURVEY OF EDUCATION AID FOR DISABLED IS DEFENDED

(By Edwin W. Martin)

A wise old farmer in Alabama listened to my plans many years ago and summed up his views with the folk saying, "If it ain't broke, don't fix it."

The Education of the Handicapped Act, which finally assures handicapped children a free and appropriate public education, is working. As we pass the third anniversary of the full implementation of this law, 4.2 million children—blind, deaf, mentally, physically or emotionally disabled, speech- or language-impaired or with specific learning disabilities—are enrolled in special-education programs. Despite remarkable progress in the educating of the handicapped children of our nation, the Reagan Administration want to "fix" this problem by returning national public policy to what it was before 1965. Congress, recalling all too well the pain and anger of parents of disabled children who are denied shooling, has refused to go along with the Administration, but the Administration threatens to keep trying.

We have been a long time in wiping out discrimination and rejection of the handicapped. In 1965, when Congress passed the Johnson Administration's major educational programs—authorizing billions of dollars for disadvantaged elementary and secondary school children, there was no provision for handicapped children. In public-policy terms, this group of educationally disadvantaged was out of sight and out of mind. The next year, at the urging of concerned parents, a small program was approved, authorizing grants to the states to initiate, improve and expand local and state efforts. Only $2.5 million was appropriated in 1967 and its growth was relatively minimal, to $14.25 million, in 1968.

I remember well the pleas of parents before the House subcommittee on the handicapped. They told tales of being totally ignored, of being left out by the public schools in their communities. They spoke of having to move their families to distant cities and states to get help. They told of being offered $1,000 or $1,500 by school districts in lieu of accepting the children and of discovering that private schools demanded three or four times as much. Even where there were programs, these children were frequently given second-class treatment.

It was not that there were no role-models, indeed there were fine programs. Many communities had operated special-education programs for decades. The painful fact was that there was no guarantee of a program. The decision was left entirely to the local and state authorities, and the record demonstrated (without disagreement from state officials), that no state fully served its disabled children.

The need for a national law was inescapably demonstrated by our history. When each state went its own way, virtually every one passed a law encouraging school districts to educate the disabled. Most of these laws provided additional funds to assist local districts. Unfortunately, these laws did not succeed and parents spoke up, asking for stronger laws. As a result, many states passed a second generation of legislation, the so-called mandatory laws, which required local districts to educate children and also provided additional funds.

These laws were not fully enforced, had various "exclusions" and, in sum, failed to succeed in educating all handicapped children in even one state.

In desperation, parents turned to Congress and the courts. Congress passed laws in the 1960's and early 70's to spur local interest, but not to require programs. Federal and state judges, however, decided in a variety of cases that states, having agreed to educate their children, could not discriminate against any subgroup of them.

In 1975, after a decade of experimenting with various approaches and almost four years of considering the specific legislation in question, Congress passed the Education of All Handicapped Children Act (P.L. 94-142). It did not require the states to participate (New Mexico has never even submitted a plan), but it did say that states wishing to receive Federal funds to help comply with their own responsibilities, had to assure education for the handicapped.

As a result of court orders and Congressional action, millions of children received new opportunities in the 1970's. Federal studies disclosed many problems in achieving desired results. One study by the Inspector General's office of the Department of Health, Education and Welfare reported that a majority of teachers and officials felt there were still unserved children, unidentified in the classrooms, several years later. At the same time, a variety of studies reported progress in every district studied—new teachers, new programs, new children!

This progress continues today. The most recent Department of Education statistics report a gain of more than 100,000 in children helped last year.

Discrimination against the disabled is insidious. One does not find "handicapped bigots," but the bias has persisted across centuries and cultures. In providing education, employment and access to buildings, the United States has come a long way. But we have not yet arrived. If one assumes that this history of discrimination is not an accident, that there are forces within us, perhaps unconscious fears of death and disability, that keep us from fully including disabled people in our society, there is no reason to weaken our national resolve, nor to ignore the lessons we so recently have learned.

We now play a leadership role in the world. I recently returned from Britain where, at the request of several members of the House of Lords, I reported on the successes and failures of our new law. That Government is planning legislation to assure educational opportunity for all "special needs" children, a group estimated to include 1 child in 5, rather than the 10 to 12 percent that we expect to serve.

With our Government planning to spend a sum labeled in "trillions" for defense over the next decade, it is hard to understand arguments against spending a 1,000th as much annually to help the handicapped, particularly since it has been repeatedly proved that such expenditures reduce dependency and increase employment. As we still face great variations among communities and states in the number of handicapped children they are helping—some reaching almost twice as many as others in percentage terms—it is hard to understand a philosphy of "let the states do it."

One afternoon in 1977 I sat with Peter Libassi, then Health, Education and Welfare's general counsel, listening to witnesses while we were considering pending regulations for Section 504 of the Rehabilitation Act, the section prohibiting discrimination against qualified disabled people. Among the witnesses was the mother of a disabled child from a nearby state.

She told of her retarded daughter standing in the living room looking out the window as the school bus drove up their road, stopping to pick up other children. As the mother told us of her daughter asking each day why she could not go to school, the mother began to cry. So did the general council, so did I and, I believe, so did everyone else in that room. I have no wish to play that scene again, nor do the parents of handicapped American children.●

BISHOP LESLIE DeLAPP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SKELTON. Mr. Speaker, recently, my district lost one of its leading citizens with the death of Bishop Leslie DeLapp. For many years Jackson County, Mo., benefited from the presence of this man and his endeavors in behalf of his church and his community.

An editorial in the Kansas City Times speaks to the efforts of Bishop DeLapp and the effect he had on the community. It reads as follows:

In the postwar years, few civic leaders in Metropolitan Kansas City attained the stature and high level of achievement of Bishop G. Leslie DeLapp, now dead at 86. The bishop was never just a well-known name on a letterhead. If he accepted an assignment, and many of them came his way over the decades, he was prepared to make a full commitment. And that included spadework on subcommittees and the handling of everyday details as well as the presidency and chairmanship of major boards and agencies. His presence at meetings, no matter how trivial they were, could be taken for granted. Those who knew him well were always puzzled how he found the time.

His long service to the Reorganized Church of Jesus Christ of Latter Day Saints, as presiding bishop from 1940 to 1966 and in many other capacities, would have kept most individuals fully occupied. But the good man found time for many other activities and it was through his community work that he became widely known.

His contributions spanned the fields of health and welfare, regional cooperation, good government and the volunteer agencies. In the middle 1950s when the very words "regional planning" sent shivers through many circles, Bishop DeLapp not only recognized the wisdom of working together, but he willingly represented Jackson County as the vice-president at the inception of the Metropolitan Area Planning Council. His interest in joint action to solve common problems was also reflected in his service to the Kansas City Area Hospital Association of which he was a founding member and first president.

Bishop DeLapp was a strong and effective member of the board of the old General Hospital and Medical Center Inc. in the troubled and uncertain transition years that led to the Truman Medical Center on Hospital Hill. The Jackson County Charter Commission and the Jackson County Sports Authority, which he chaired in the middle 1970s, are other examples that reflect the broad scope of his activities.

To all of those assignments, and many more, Bishop DeLapp brought a sense of dignity and integrity that inspired public trust. He was a calm, reasoned, constructive person. He studied problems carefully, weighing them against his judgment and long experience as an administrator. Because he approached problems with common sense and compassion, he was often the originator of workable compromises that would bring opposing parties together.

Many who served with him grew to regard him as one of the finest individuals they had known. In the case of Bishop G. Leslie DeLapp that respect was given freely to an extraordinary man who served his church and his community with distinction for more than a generation.●

STATE ENERGY SEVERANCE TAXES COULD LEAD TO A DOMESTIC ENERGY CARTEL

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. CORCORAN. Mr. Speaker, I am concerned that severance taxes by energy-rich States on energy resources within those States may be leading to the establishment of a domestic energy cartel. As a legislative expression of my concern, I introduced H.R. 4841, the Coal Severance Tax Limitation Act of 1981 on October 27, 1981. That legislation would amend the Powerplant and Industrial Fuel Use Act of 1978 by placing a ceiling on severance taxes a State can impose on coal produced from Federal and Indian lands. The bill was referred to the Energy and Commerce Committee's Subcommittee on Fossil and Synthetic Fuels, of which I am a member. A full day hearing on this issue was held by that subcommittee on October 28, 1981.

At the time I introduced H.R. 4841, I stated that severance taxes by "have" States at the expense of "have not" States seem to create an inequity that I believe Congress must address. The same concerns were expressed by Vanderbilt University professor James F. Blumstein in a January 7, 1982, Wall Street Journal article entitled, "Opening the Way to a Domestic Energy Cartel."

Mr. Speaker, for the benefit of our colleagues, I insert the text of Professor Blumstein's article on the important issue of State energy severance taxation.

OPENING THE WAY TO A DOMESTIC ENERGY CARTEL

(By James F. Blumstein)

There is evidence of growing protectionism among the states. For example, several states bar the export of water. Texas limits the export of natural gas from state-owned lands if the needs of Texas consumers are unfilled. And New Hampshire prohibits the export of hydroelectric power.

A very few Western states control a large percentage of environmentally desirable low-sulphur coal. Montana and Wyoming together have an estimated 68 percent of all U.S. low-sulphur reserves.

A certain "tax leadership" apparently is occurring among such states so that legislatures, freed of competitive pressures, feel secure in raising severance tax rates on coal's extraction. The obvious next step might be an informal cartel among low-sulphur-coal-producing states. Over time a broader domestic energy cartel could emerge. Under recent Supreme Court precedents, our constitutional system might permit such a development.

Congress is authorized under the Constitution to regulate commerce among the states. For well over a century, the Supreme Court has ruled that, even in the absence of affirmative congressional action, state laws that unduly burden or discriminate against interstate commerce violate the "dormant" commerce clause.

The court has preserved the national marketplace against balkanization. However, its "dormant" commerce clause decisions are subject to reversal by Congress, which can, in effect, overturn such rulings by authorizing the states' conduct. Thus, when interstate commerce is excessively burdened or discriminated against, the court upsets state legislation only temporarily if the state whose law is invalidated can make its case persuasively before the Congress.

The court's strictest review has been reserved for state taxation or regulation that does not treat in-state and out-of-state commercial interests evenhandedly. These measures have been held virtually per se illegal.

As early as 1911, the court ruled invalid a state's legislative preference for in-state consumers of privately produced natural gas. When New Jersey banned the importation of solid waste to privately owned landfills, the court in 1978 held the legislation unconstitutional. Similarly, Louisiana's "first-use" tax on natural gas, whose incidence fell on out-of-state but not in-state users, was declared invalid last year. The court's tough stand against discrimination thrusts on states the onus of justifying protectionist legislation to Congress.

One might comfortably conclude that a state-enacted embargo would run afoul of this nondiscrimination principle. Last year's South Dakota cement case, however, suggests an important exception. Where the state enters the market as a seller of state-produced goods, these commerce clause precedents were found inapplicable. They govern only when a tax or a regulation is involved.

Thus, because South Dakota was selling cement produced from a state-owned plant, it was free to refuse to sell to nonresidents. Had the state, through regulation, imposed an embargo on private sellers, however, that would have violated the nondiscrimination principle.

The South Dakota case is important because states own so many natural resources and presumably can develop them through governmental entities, circumventing the commerce clause's nondiscrimination principle. Although the court suggested that natural resource exploitation might present a different situation, the opinion provided no analytically satisfying basis for distinguishing the cases.

A state's ability to prefer its own citizens in the exploitation of state-owned resources provides a vehicle for attracting new industry and for assisting state industries that compete with industries elsewhere. Unlike private companies, which have no incentive to make economic decisions on the basis of any particular state's economic welfare, a state-owned enterprise would certainly consider the external benefits (such as taxes that flow from expanded economic opportunity within a state.

As a result, state enterprises will operate in a political as well as an economic market, and the political constituency to which the state is responsive is necessarily its own residents. Negative consequences of protectionist policies on other states can, therefore, safely be given less weight.

Ironically, the South Dakota cement decision provides a prescription for protectionism that encourages the development of state enterprises, a statist strategy quite at odds with the general capitalist reawakening occuring elsewhere in our society.

While the South Dakota cement case provides a basis for states to prefer their own citizens in the exploitation of state-owned resources, a recent case upholding Montana's 30% severance tax on coal suggests a means of imposing much of the burden for generating revenue on nonresident utility ratepayers. Out-of-state utilities purchase most of Montana's coal by long-term contracts, which typically provide that the cost of state taxation shall be passed on to the utilities. Fuel adjustment clauses allow these utilities to pass along the taxes to out-of-state consumers.

In the Montana decision, the court refused to examine the state's rate of taxation, nor would it consider the potential impact on interstate commerce. Moreover, since state action is largely immune from the antitrust laws, any conspiracy-in-restraint-of-trade theory would likely be inapplicable to collusive state activity aimed at maintaining high severance taxes.

Congress could limit severance tax rates, and such bills have been introduced. It could also bar discrimination in the sale of state-owned resources. But the burden of initiating such legislation rests with resource-consuming states, who must directly confront the fundamental economic interests of the resource-rich states, a divisive and likely futile prospect.

Commerce clause restrictions on discriminatory or unduly burdensome state legislation are designed to impose the burden of enacting national legislation on proponents of protectionism, on the theory that free trade is the presumptive constitutional norm. By declining even to examine the burden on interstate commerce of Montana's coal severance tax and by immunizing South Dakota's cement embargo entirely from the otherwise applicable principle of nondiscrimination against interstate commerce, the Montana and South Dakota cases sanction two methods of parochial resource exploitation.

In the absence of congressional legislation, the way toward a domestic energy cartel seems open. The balkanization of the American economy and the emergence of intersectional economic retaliation are potential consequences.●

WHY WE WON'T RUN OUT OF RESOURCES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McDONALD. Mr. Speaker, for decades excitable and misinformed "Cock Robins" have been telling us that the "sky is falling in" and that we are running out of this or that resource. Geography books in the 1930's routinely stated that we only had a 10-year supply of oil left. Mr. M. Stanton Evans recently explained in Human Events of November 21, 1981, how the "gloom and doom" prophets have been setting up these disaster straw men over the years and how they have nearly always been wrong. The item follows:

WHY WE WON'T RUN OUT OF RESOURCES

(By M. Stanton Evans)

[Graphs not printed in the RECORD]

Back in the 1970s, it will be recalled, the American people got scared out of their wits by the horrific specter of environmental doomsday.

According to the rhetoric of the era, we faced a knot of terrible problems created by massive population growth and careless use of our resources. We were running out of energy, arable land, and needed minerals, creating ghastly pollution dangers and raising the prospect of global fame. Only drastic measures could avert disaster.

So steadily was this outlook pounded home by environmentalists, population planners, government spokesmen and media sages that it became the accepted wisdom of the day, and the basis for numerous official policies. All of which is most unfortunate, since the hysteria about such matters was—and is—without foundation in economic science.

That the "no growth" movement was little more than quackery is the burden of a luminous new study by Prof. Julian Simon of the University of Illinois, who began as a population pessimist but was redeemed by contact with the evidence. In *The Ultimate Resource* (Princeton; $14.50), Simon shows beyond all peradventure that the furor over population, environment and resource depletion is totally—and in some case, willfully—mistaken.

The central fallacy of the no-growthers, Simon demonstrates, is that they envision the usable resources of the earth—minerals, farm land, energy supplies—as a fixed and given quantity, over against a rapidly growing population. This way of viewing the matter inevitably leads to the conclusion that we will run out of everything in fairly short order.

The way it happens in the real world, however, is different. The amount of usable resources is not and never has been a given quantity known beforehand; it is a function of human ingenuity and effort. Coal, petroleum, copper, etc., are useful now because somebody figured out a way to use them. The same will be true of countless other resources in the future, if we permit the creative powers of the human mind—the ultimate resource of the title—to do their work.

Equally to the point, as Simon shows, the available quantity of resources already known is also a function of human effort. Despite a century of repeated statements that we are about to run out of coal, arable land, or some other resources, known supplies of all these things have constantly expanded—in keeping with increased demand and the improved return to be had by finding and developing them.

As a result, Simon observes, the global "per capita food situation has been improving for the three decades since World War II. . . . The amount of agricultural land has been, and still is, increasing substantially. . . . If the past is any guide, natural resources will progressively become less scarce, and less costly. . . . The long-run impact of additional people is likely to speed the development of a cheap energy supply that is almost inexhaustible."

To support his point, Simon reproduces numerous charts and tables from the United Nations and other official sources revealing a constantly rising standard of living, improvements in farm yields, dramatic increases in mineral supplies, declining levels of pollution, constantly falling energy prices. He also shows that "population bomb" anxieties are baseless, that high population densities don't mean poverty, and that population figures won't extrapolate themselves into infinity.

Exceptions to the process of resource growth do occur, of course—when government policies keep it from working. In the case of oil and natural gas, for example, federal price controls and other types of government interference encourage consumption while discouraging production—an infallible formula for shortage. When such restrictions are absent, the process goes on in noble fashion.

Policies that hinder expansion are of course encouraged, if not demanded outright, by the "no growth" campaign—promoting a lifeboat-conservation ethic, ignoring production, and heaping burdensome regulations on the economy Prof. Simon supplies a valuable antidote to that destructive dose of self-fulfilling prophecy.●

JEWISH HUMANITARIAN NEEDS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. DYMALLY. Mr. Speaker, I would like to draw the attention of the House of Representatives to the ambitious campaign about to be embarked upon by Jewish Federation Council of Greater Los Angeles in support of a full spectrum of Jewish humanitarian needs. Drastic cutbacks in Federal subsidies for JFC social welfare agencies have severely threatened the continuity of programs and services offered for young and old, Jewish and non-Jewish alike by these unique organizations. These spending deficits will have to be met by the Jewish community in addition to its own share of the burden of responsibility inflated by current economic conditions.

I would like to commend Bernardo Kracer, 1982 general chairman of the United Jewish Welfare Fund, and Los Angeles' Jewish leadership for creating a strong vehicle which will offer maximum community involvement in pursuit of its own goals. I speak in particular of the UJWF Super Sunday kickoff phoneathon campaign on February 7, 1982. On that day well over 1,000 volunteers—including for the first time deaf and developmentally disabled Jewish community members will join together to raise $1.5 million.

This event—involving the largest number of Jewish community volunteers to be assembled under one roof—will set the pace for the year long UJWF 1982 campaign focused on a $44 million goal. Let us wish this fine community much success in its important work.●

PEPPER'S AGELESS ZEST FOR LIFE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. COELHO. Mr. Speaker, in the face of the administration's assault on programs that help our elderly live decent lives, our distinguished colleague from Florida has won deserved acclaim for his passionate and principled defense of senior citizens' rights. His remarkable achievements and even more remarkable spirit continue to serve as an inspiration to all, and I commend to my colleagues this fine article on Congressman CLAUDE PEPPER by Colman McCarthy of the Washington Post.

[From the Washington Post, Jan. 3, 1982]

PEPPER'S AGELESS ZEST FOR LIFE

(By Colman McCarthy)

Whatever your taste in politics or poetry, this was a charming moment. Rep. Claude Pepper, the 81-year-old congressman from Florida, was speaking over the phone with 89-year-old friend Archibald MacLeish. "I hope you're enjoying life," said Pepper, who placed the call from his House office to MacLeish in the poet's home in Massachusetts. "Other than your little hearing impairment, I hope your physical condition is good. You've got eight years on me! I'm only 81. You give me something to shoot at!"

Pepper laughed jovially. He chatted for 10 minutes with MacLeish. The congressman had phoned America's greatest living poet for his advice about a joint session of Congress late in January to observe the centennial of the birth of Franklin D. Roosevelt. MacLeish suggested some appropriate FDR readings, which was why Pepper had phoned.

A few days earlier, Pepper was in the national eye at the White House Conference on Aging. In the weeks before, his office had received 130 requests for interviews. For a little while, that may have made the Miami Democrat the most sought after member of Congress. But on a higher level it was a coalescence of interest in one of American politics' unique figures.

As chairman of the House Select Committee on Aging, Pepper has maintained a mountain-high vision of what government should be doing to better serve its elderly. With more than 4,000 citizens turning 65 every day, and 25 million already there, Pepper represents this national constituency as a pugnacious but reasonable advocate.

This was the committee that the House never even wanted to let in the front door. It began in the early 1970s when Sen. David Pryor (D-Ark.), then a representative, rented a trailer and held unofficial hearings. Pryor had worked incognito in a nursing home where he witnessed the shabby treatment given to the elderly.

When Pepper took over the committee, he was familiar too—in personal ways—with the abuses visited upon the old. Nearly every issue involving the elderly to come before Congress—from restrictive mandatory retirement laws to malnutrition among the old—has engaged Pepper. Behind his legislative zeal is a philospohical attachment to Shaw's notion about the old: "Some are younger at 70 than most at 17."

The hour and a half I had with Pepper the other morning was to enjoy an uplifting mixture of history lessons, political nuances and ideals of public service. Pepper gives personality to a style of hearty liberalism now out of fashion, at least temporarily.

The abandonment of liberalism by some of the younger politicians in Congress springs from two causes, he believes. First, they came to Washington not "deeply rooted in liberal convictions." And second, once here "they don't want to be identified as liberals because they think public opinion has turned away from the humanitarian influence in public affairs . . . They are fearful of their political lives, and they think that (liberalism) has come to have an unfavorable association."

Of the nine presidents Pepper has served under, he gives a low ranking to Ronald Reagan. With animation, he says that Reagan "comes the nearest to having the charm of President Roosevelt. But I would think that one would be unhappy to have it said that I'd hardly done anything that was meaningful in any affirmative way for the people of my country. Now he wants to cut more and more and more."

Pepper felt honored that Reagan mentioned him in his speech at the conference on aging. But, wistfully, he says he has never met the president. The night before our conversation, Pepper had been to the White House for "an official hosting" of the Congress. But Reagan went upstairs early and missed the chance to talk with Pepper, leaving the Senator to say: "I had rather looked forward to meeting the president."

Should Ronald Reagan's spirit ever sag in the year about to dawn, one sure pick-me-up would be a long visit with Claude Pepper.●

PROJECT PRIDE RECOGNIZES STUDENTS' ACHIEVEMENTS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, one of our Nation's greatest assets is the pride of our people. Each year, millions of civic-minded citizens make valuable contributions to their communities. Unfortunately, these people do not always receive the kind of recognition they deserve.

In Lawrence Township, N.J., the Lawrence Township Board of Education has initiated a people-to-people program that emphasizes the significant contributions that have been made by members of the Lawrence Township public schools. This program has been named appropriately as "Project Pride." I am very pleased that the people of Lawrence Township have decided to honor individuals and organizations which bring a sense of pride, achievement, and unity to the school system and the entire community.

On January 30, 1982, the people of Lawrence Township will participate in "Project Pride II" ceremonies. The board of education has selected Scott Brunner, quarterback of the New York Giants, and a graduate of Lawrence High School, and the members of the championship Cardinal football teams of the graduating classes of 1974 and 1975 to be the recipients of special recognition this year.

Scott Brunner and the members of the 1974 and 1975 championship teams justly deserve this honor in recognition of their dedication, determination and desire to excel. The records that these championship teams compiled in 1974 (8-0-1) and 1975 (7-2) are testimony to their outstanding achievements.

These fine athletes are also well aware that athletic competition can have a very beneficial impact on an individual's scholastic performance and overall community involvement. Athletic activity strengthens the body and sharpens the will. By participating on school and community sports teams, individuals can also learn the value of teamwork and cooperation. These experiences should prove to be very valuable in whatever career path these students choose to pursue.

Mr. Speaker, the people of Lawrence Township are justifiably proud that Scott Brunner played such an instrumental role in leading the New York Giants to the National Football League playoffs during this past season. Scott's desire for excellence, which was nurtured in the Lawrence Township school system, has proven to be invaluable to him in his professional career.

It is indeed an honor for me to acknowledge the outstanding contributions that Scott Brunner and the members of the 1974 and 1975 championship Cardinal football teams have made to their community. I commend the Lawrence Township Board of Education for initiating "Project Pride." I hope that this program will inspire other students to seek to excel in their chosen field so that they, too, can contribute to a spirit of cooperation and unity in their community.●

COAL EXPORTS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RAHALL. Mr. Speaker, on numerous occasions I have stood before this body to extoll the merits of increased coal exports, which creates more jobs in this country, contributes toward a favorable balance of trade and provides our allies with a measure of energy security.

Recent figures show that in 1981, the United States exported approximately 106 million tons of coal the value of which is estimated to be around $15 billion. In 1981, this level of coal export contributed about $4 billion toward reducing our balance-of-trade deficit and if this trend continues, by the year 2000 coal should add $14 billion toward a favorable balance of trade.

These exports not only created jobs in the mining and rail industries, but helped allied nations reduce their dependency on other energy sources. This is especially important in light of France's announcement last week that it would receive up to one-third of its natural gas supply from the Soviet Union, which already intends to supply natural gas to Western Germany.

Yet, we must still get our house in order. Increased exports have been hindered by the inability of many ports to handle large quantities of coal on an expedited basis due to antiquated loading facilities and permitting processes. Future exports will be jeopardized because domestic ports are unable to accommodate large "supercolliers" of over 100,000 deadweight tons which require deeper port channels. If the United States is to remain competitive on the world market, it must dredge these channels to at least 55 feet.

The immediate problem of port congestion has, to a great extent, been solved by the private sector as the following article explains. New coal port facilities are being constructed by the coal industry while the railroads have revised their method of scheduling ships waiting to be loaded. Now it is up to the Federal Government, working with the local port authorities, to expedite needed port improvements. With this in mind, it is my hope we can enact port improvement legislation this year.

[From the Wall Street Journal, Jan. 19, 1982]

RAILROADS CUT COAL BOTTLENECK BY IMPROVING SHIP SCHEDULING

(By Eugene Carlson)

One observer, standing on the beach near Norfolk, Va., and gazing north across Chesapeake Bay, said it looked like "a flotilla of sea monsters." Some 150 huge coal-carrying vessels lay at anchor in and around the harbor of Hampton Roads, waiting for a turn at one of the port's two coal-loading piers. One ship had swung idly at its mooring for more than five months before its name was called.

That was the scene last February. Now, eleven months later, the bottleneck at Hampton Roads, the nation's biggest coal-exporting port, has been broken. Colliers arrive, load coal, and steam away with little delay. Much of the credit for eliminating the vessel logjam goes, oddly enough, to two regional railroads: the Norfolk & Western and the Chessie System.

The railroads operate the port's coal docks. By figuring out ways to schedule ships more efficiently—much as popular restaurants require diners to make reservations—the railroads have helped smooth out the coal supply line that stretches from the mines of southern Appalachia to seaports to overseas consumers in Europe, Japan and elsewhere. Equally important, the new system has saved millions of dollars in demurrage—the penalty that ship owners collect when their vessels are prevented from picking up cargo at an appointed time.

"We fight with the railroads all the time, but they ought to be lauded for this," says Connie Holmes, vice president for international affairs of the National Coal Association.

The U.S. is the world's largest coal exporter. Shipments have been largely metallurgical coal for steel-plant furnaces. But with European utilities looking for alternatives to high-priced OPEC oil, demand for "steam coal" has risen sharply. Strikes in Poland's mines have enhanced the status of U.S. coal.

Shippers, however, require port facilities, and so the promotion of coal-loading terminals in port cities is a growth industry. Albany, N.Y.; Baltimore; Philadephia; Morehead City, N.C.; Charleston, S.C.; Savannah, Ga.; New Orleans; Long Beach, Calif., and Seward, Alaska, are among the ports with new, expanded or proposed coal piers.

Hampton Roads, which in 1980 handled 67 percent of all U.S. coal exports, has six new coal export sites planned. Hampton Roads includes the ports of Norfolk, Newport News and Portsmouth.

Since U.S. coal export capacity has roughly doubled in the past two years, to about 120 million tons annually from about 65 million tons at the beginning of 1980, the rush to build new piers sounds like overkill. "Frankly, a lot of these announcements aren't going to come about," says the National Coal Association's Mrs. Holmes. "You're not going to build a white elephant at 18 percent interest."

Significantly, the Chessie and the Norfolk & Western, the nation's two biggest coal-exporting railroads, are trying to move more coal by better ship scheduling rather than by expanding their Hampton Roads piers. The scheduling schemes became possible under the 1980 railroad deregulation act, which allows common carriers to make contracts with customers.

The two rail lines have different approaches. The Chessie's "away with permission" concept requires a vessel to call at Hampton Roads and reserve a future place in the queue for itself or a sister ship. Any vessel can sign up and the ship can sail elsewhere in the meantime.

The N&W guarantees "priority berthing" for big shippers—those who agree to take a minimum of 800,000 tons annually for two years. Allen B. Childress, the N&W's director of international coal and ore traffic, recalls earlier days when "we had 100-some vessels in Hampton Roads and we didn't load a pound of coal because of coordination difficulties." The new system "has definitely improved the efficiency of our piers," he says.●

CRISIS OF STUDENT AID IN COLLEGES AND UNIVERSITIES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. SIMON. Mr. Speaker, the December 6, 1981, New York Times featured an article by Dr. Stephen Trachenberg on the plight of colleges and universities facing reductions in the number of their students receiving student grants and loans. Dr. Trachenberg is president of the University of Hartford and represents higher education administrators who are trying to cope with reductions in Federal student aid and who face even further restrictions and reductions in Federal programs under the proposed 1983 White House budget.

Dr. Trachenberg does not speak from the statistical and budget figures we in Washington produce, analyze, and point to in our discussions of postsecondary education programs. His concerns are for his university budget and the students who attend the Univeristy of Hartford. They are real people and they suffer real hardships with constricted Federal aid to students.

I commend my colleagues to read Dr. Trachenberg's article for its immediacy to one school, and its implications for all schools. I would like to emphasize my own agreement with Dr. Trachenberg when he says:

> Education is mistakingly being perceived of by the Reagan Administration as a national expense. Nothing could be further from the truth. Properly seen, Federal and state programs in support of student aid are investments in America's young people and in ourselves.

I hope this will be the attitude of Congress during the upcoming budget process where we will have an opportunity to hold the line on aid, both grants and loans, to those students who represent our Nation's future.

REDUCING AID FOR STUDENTS SHORTCHANGES NATION'S FUTURE

(By Stephen Trachenberg)

Building an annual budget at the University of Hartford has never been easy, but this year it's a pip. The university is a modestly endowed, labor intensive, independent institution founded in 1877 but chartered as a university only 25 years ago, and a lot of fancy footwork and hard work is needed to keep its books in balance. But we've done so regularly for a long, long time. It's a tradition that we intend to maintain.

In the last four years our operating costs have gone from about $17 million to approximately $40 million. Each year a greater percentage of our students, who come from all sorts of economic, ethnic and racial backgrounds, have received a larger number of scholarship dollars from our limited resources and from those generated by Federal programs, state scholarships, private foundations, corporate philanthropy, alumni and other friends of the university.

In the current academic year, 82 percent of University of Hartford students are receiving some form of financial aid from one source or another for a total estimated at $11.2 million. The University of Hartford's contribution is $2,049,739. This compares with $793,032 spent in 1977.

As we prepare for the 1982-83, academic year, the university if facing a unique challenge. Student financial support programs, carefully developed out of G.I. Bill of Rights at the end of World War II, appear to be imperiled. Since the Reagan Administration took office in January, Federal student-aid programs have undergone three rounds of cuts. The recisions from the fiscal year 1981 budget were followed by reductions in program ceilings imposed by the Omnibus Reconciliation Act and then by Administration-proposed appropriations below the reconciliation levels. At first, excess was reduced and property so. But the knife has now moved from fat to lean.

Cuts in the need-based student aid programs for the Government's fiscal year 1981 totaled $600 million. This affected college students and their families from coast to coast. Reduced spending ceilings for higher education programs for fiscal years 1982, 1983 and 1984 as well as appropriation limits on the Pell Grant Program and parallel efforts, such as ceilings imposed on financial aid, result in a loss of $1 billion from "current policy" funding levels, which would have permitted continued support for currently eligible students and modest growth to reflect inflation.

Eligibility for guaranteed student loans was restricted to students with family incomes of $30,000 a year or less, or unmet demonstrated need of $30,000, and a 5 percent origination fee was established for each new guaranteed loan. Moreover, the intererst on loans to parents was increased from 9 percent to 14 percent.

The new eligiblity requirements will force an undetermined number of borrowers out of the program by next year. Experts estimate that the number affected could be one million students and possibly more.

Educational benefits in the Social Security program are to be phased out entirely by fiscal year 1985, with no new recipients as of June 1982 and current beneficiaries will experience an annual reduction of 25 percent. This step alone will eliminate one of the largest sources of student support.

Some 750,000 students now receive Social Security benefits totaling $2 billion annually, or one-fifth of the total Federal student aid. Since most Social Security beneficiaries are from families with extremely low incomes, the loss of these benefits will place severe strains on the other student-aid programs, which have also been reduced.

It should now be understood that the Reagan Administration proposes cuts on top of earlier cuts. The Administration's recommendations will have the following impact:

The neediest Pell Grant recipients would receive a maximum of only $1,670 and awards for others would have to be severly reduced or even eliminated. Since it costs over $1.6 billion annually to finance students with family incomes of less than $10,000 (over 1.5 million students), passage of the Administration's request of only $2.2 billion would leave an inadequate amount to aid those above the poverty level.

The number of Supplemental Educational Opportunity Grant recipients, a campus-based grant program, would be reduced by 75,000 students.

College Work Study recipients would be reduced by 110,000.

Fifty thousand fewer students would receive National Direct Student Loan awards.

Some 30,000 state scholarships would be ended by the elimination of the $9 million in State Student Incentive Grants.

Another Administration recommendation would remove the school interest subsidy from the Guaranteed Student Loan Program. This would endanger future lending if banks are forced to bill students while in school.

The Administration's recommendations represent a 30 percent cut in the "current services" level, a 16 percent cut in the Reconciliation Act levels, a 6 percent cut in the fiscal year 1981 levels and an 11 percent cut in the fiscal 1980 levels (despite a 20 percent increase in the Consumer Price Index). It's impossible at this time to determine the exact dollar effect, for the University of Hartford, for other universities or for the individual students and their families, since Congress has not yet taken final action on the President's proposals.

At the University of Hartford we will give scrupulous attention to each request for financial assistance. Plans are under way to insure that each student receives the maximum outside assistance for which he or she is eligible. Additionally, we will see to it that an equitable part of the university's resources go to our students. Finding additional money for scholarships from within our own operating budget is of top priority. With luck and industry we hope to be able to enhance student aid in a way unprecedented in the history of the University of Hartford.

We expect to encourage and assist students and their parents in exploring their eligibility for scholarship resources through employers, fraternal organizations, unions and similar groups. Further, we plan to underscore our "family-grant" program by which a full-time undergraduate day student who is the brother, sister, parent or spouse of another full-time undergraduate day student at the university may be eligible for a 50 percent reduction in tuition. Thus, two students can come for the price of one and a half. Triplets may attend for the tuition of twins. Also, student employment opportunities will be enhanced, both during the academic year and during vacation periods.

Institutions of higher education with modest means, such as ours, have limited capacities to respond to drastic reductions in Government aid. Ingenuity and prudence will be required to squeeze every penny on behalf of our students while continuing to deliver high quality educational programs.

Education is mistakingly being perceived of by the Reagan Administration as a national expense. Nothing could be further from the truth. Properly seen, Federal and state programs in support of student aid are investments in America's young people and in ourselves. The economic and cultural future of our nation depends on there being a trained, literate, competent, skilled population. The miracle drugs of tomorrow, the rockets to the moon, the agricultural and other breakthroughs that have won this country its primary position in the 20th century have not been by accident. They are the result of material resources combined with ingenuity and hard work. Cuts in student aid programs are a false economy that we will learn to regret in the years to come.●

NEVER UNDERESTIMATE THE POWER OF A DEFICIT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McDONALD. Mr. Speaker, the Reagan administration has recently indicated it can live with budget deficits. At least, that is what his Council of Economic Advisers said. After a fine start toward getting our budget in balance, I personally find this very discouraging. In that respect, I was struck by two letters that appeared in the "Letter To The Editor" column of the New York Times of December 17, 1981. The first was from Irving Leveson of the Hudson Institute and was predictably critical. The second letter was from Prof. John Kenneth Galbraith and was most startling. Somewhat sadly, I found that I agreed with both letters. No budget deficit is good. I commend both letters to the attention of my colleagues.

NEVER UNDERESTIMATE THE POWER OF A DEFICIT

TO THE EDITOR

The comments on the Federal budget deficit by three members of the President's Council of Economic Advisers ("Reagan Aides Defend Deficits," news story Dec. 9) were unsettling. Coming on the same day as the report that the deficit could reach $100 billion, they sounded like "Dr. Strangebuck, or How I Decided to Stop Worrying and Love That Deficit."

Messrs. Weidenbaum, Niskanen and Jordan are telling the American people that deficits aren't inflationary, or at least need not be. While that is in one sense technically correct, it is so misleading as to encourage inaction or to support policies opposite to those required.

A budget deficit of any size can be prevented from adding to inflation, but only if we are willing to accept sufficiently high interest rates. High rates only shift the social costs of a deficit from inflation to slower economic growth. Either way, they contribute to stagflation.

Some observers, like former council member William Nordhaus, minimize the importance of the deficit by emphasizing that what counts is the size of the deficit that would prevail if the economy were operating at full employment. But consider how the full-employment budget balance has changed.

For many years the policy appropriately had been to run a surplus in times of full employment. This would cool inflationary pressures just as a planned deficit would help to cushion declines. In the 1970's, the relationship shifted, so that there were larger deficits in a recession of a given severity and the budget would reach a balance rather than a surplus at full employment. Today, we cannot even expect to reach that balance.

The deficit now operates more strongly than ever to create a bias toward inflation and/or slower growth. While reversing the budget deterioration will be difficult, it must be done. Denying the problem will only make matters worse.

IRVING LEVESON,
Director of Economic Studies,
Hudson Institute.

TO THE EDITOR

Your Dec. 9 article tells of a large convocation of presumptively conservative economists under the auspices of the avowedly conservative American Enterprise Institute in Washington. The subject was inflation.

All so assembled, with the exception of Herbert Stein, a member and chairman of the Council of Economic Advisers in earlier Republican times, are reported as approving or, at a minimum, acquiescing in the impressive budget deficits now in prospect under the fiscal designs of President Reagan.

There was a time when conservative economists were thought to be principled, even dogmatic, in their commitment to fiscal austerity. And a liberal can join in hoping that this might still be the case when, as now, a recurrence of inflation remains a serious threat, an incomes and prices policy is eschewed and an absence of fiscal restraint thus means an even greater reliance on murderous interest rates and tight money. Or more inflation.

It is not my instinct, God forbid, to instruct my conservative friends on matters of public virtue. But one can hardly avoid the thought that partisan loyalty has here replaced professional conviction—that an Administration that calls itself conservative can do no wrong.

In proof, one has only to contemplate what would have been the response at that distinguished symposium were a similar budget deficit being similarly defended by a liberal President and Administration.

JOHN KENNETH GALBRAITH,
Cambridge, Mass.●

BRAILOVSKY CASE RAISED AT MADRID TALKS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. FRANK. Mr. Speaker, it is no coincidence that Viktor Brailovsky was arrested in his Moscow apartment shortly after the opening of the Madrid review meeting of the Conference on Security and Cooperation in Europe (CSCE) in November 1980. Brailovsky was silenced by the Soviet authorities as a symbol of their intransigence toward the family reunification provisions included in the Helsinki accords.

Following his arrest, Brailovsky was charged with defaming the Soviet state and, in what is generally considered to have been the most significant show trial since Anatoly Shcharansky was convicted of treason in July 1978, Brailovsky was sent into exile for 30 months.

Viktor Brailovsky is best known for his work in publishing "Jews in the U.S.S.R." and for the scientific seminars he held in his apartment with others who had lost their jobs because they had applied to emigrate.

As a scientist and a leading member of the "refusenik" community in Moscow, Viktor Brailovsky played an important role in focusing attention on the Soviet Union's obligations to adhere to the provisions of the Helsinki accords.

These facts have not been lost on the U.S. delegation to the Madrid Conference. Chief U.S. negotiator to the talks, Ambassador Max Kampelman, has taken the lead in raising this case as well as other examples of violations of the human rights accords.

In this way, Viktor Brailovsky's exile continues to be a matter of great concern for the West.

Together with repeated reminders from the Congress and from other Government officials we can impress upon the Soviet Union the importance of Soviet compliance with the Helsinki accords, and in particular the right to emigrate.

Ambassador Kampelman's exemplary performance in defense of human rights at the Madrid Conference is evident in a recent letter I received in which he details the West's reponse to the Brailovsky case at the talks. I commend the letter to my colleagues and urge our delegation to the Madrid Conference to continue its good work.

The letter follows:

CONFERENCE ON SECURITY AND
COOPERATION IN EUROPE,
December 18, 1981.

HON. BARNEY FRANK,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN FRANK: Knowing of your interest in Viktor Brailovsky, given your dual capacity as Mr. Brailovsky's attorney and as a concerned Member of Congress, I would like to assure you of the continued concern that has been expressed in the case by Western delegations at the Madrid meeting.

As of the close on the latest phase of the meeting on December 18, 1981, Mr. Brailovsky's name has been mentioned in formal session on:

November 17, 1980—In plenary speech by U.S. Ambassador Kampelman.

December 3, 1980—In plenary speech by Philip Handler, President, U.S. Academy of Sciences and senior advisor to the U.S. delegation.

Phase I (fall, 1980)—Twice by U.K. Ambassador Wilberforce in plenary speeches.

Phase I (fall, 1980)—In Subsidiary Working Body on the Helsinki Final Act Principles by U.K. representative.

Phase I (fall, 1980)—In Subsidiary Working Body on the Helsinki Final Act's Human Contacts (Third Basket) provisions by Sweden.

June 19, 1981—In plenary, U.K. Ambassador Wilberforce protested sentencing of Brailovsky and is supported by U.S. Ambassador Kampelman in a right of reply.

July 28, 1981—In plenary by U.S. Ambassador Kampelman.

November 27, 1981—In plenary by U.K. Ambassador Wilberforce.

When the Madrid meeting reconvenes next year, my delegation will continue to insist that the Soviet Government respect the humanitarian provisions of the Helsinki Final Act and we together with other Western delegations, will do all that we can—both publicly and privately—to secure the release of Mr. Brailovsky and other prisoners of conscience in the Soviet Union.

With you, I hope that the efforts we take in Madrid, together with those undertaken by the Congress and concerned organizations and individuals throughout the world, will speed the day when the Brailovsky family shall live together in freedom.

Sincerely yours,
MAX M. KAMPELMAN,
Chairman. ●

ATMOSPHERIC ACIDITY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. RAHALL. Mr. Speaker, last session, we were showered with acid rain proposals the preponderance of which placed the blame for acid deposition on the midwestern coal-consuming States rather than on New England where some of the effects of this phenomenon are felt, predominantly with respect to increasing fish kills in rivers and lakes.

I have viewed these measures with suspicion because there seems to be general consensus within the scientific community that not enough is known on the causes and effects of acid deposition to warrant immediate and new controls on emission of sulfur dioxide from coal-burning powerplants and from only coal-fired powerplants in the Midwest.

For this reason, I introduced H.R. 5055, the Acid Precipitation Accelerated Review and Reporting Act which accelerates the present 10-year Federal interagency acid precipitation task force study to 5 years with the hopes that before Congress acts on this matter it will be equipped with sound scientific data on the causes and effects of acid deposition.

Recently, my doubts concerning the validity of the arguments placing the blame for acid deposition solely on the Midwest were reinforced by the preliminary results of a study being conducted by the University of Rhode Island. So far, this study indicates that acid deposition in the Northeastern States may be derived from sulfur dioxide emissions of local origin rather than from the Midwest. Following is a report by the university on these preliminary results.

ELEMENTAL TRACERS AND SOURCES OF ATMOSPHERIC ACIDITY FOR THE NORTHEAST—A STATEMENT OF NEW EVIDENCE

(By Kenneth A. Rahn)

During the last several years, a picture of acid precipitation in the Northeast (here defined as the six New England states plus New York and New Jersey) has been built up which attributes the major sources to the Midwest, some 1000 km distant. Evidence in support of this view is now massive, and includes the strength of SO_2 sources in the Midwest (more than five times as much as in the Northeast), association of highest concentrations of sulfate aerosol with air-mass trajectories from the Ohio River Valley, and "blobs" of sulfate haze which can be followed from the Midwest to the Northeast. During the last two years, an impressive number of articles has appeared in scientific and popular publications attesting to this picture. As a result, two bills have recently been introduced in the Senate (Mitchell et al., and Moynihan), each of which would place the burden of curbing SO_2 emissions on the Midwest.

Although widely accepted, this picture may be weaker at its core than is generally realized. The evidence for midwestern sources of acidity is quite indirect and circumstantial: (1) Just because the Midwest emits five times as much SO_2 as the Northeast, it does not automatically follow that northeastern acidity should be dominantly midwestern in origin—the 1000-km distance from the Midwest must negate much of this difference, especially in summer, when weaker circulation favors local pollution; (2) The argument from air-mass trajectories implies little about whether a pollutant at the end of the trajectory has actually travelled the entire distance; (3) Tracking a blob of haze is not hard proof either, for there is no way from photographs or visibility alone to determine how often the blob has renewed itself during transport. A blob may represent movement of certain meteorological conditions as much as it represents transport of mass.

During the last decade, our understanding of the true role of long-range transport in air pollution has increased dramatically. Much of this knowledge has come, however, from studies of areas such as Scandinavia or the Arctic, whose sources of pollution are relatively easy to assign, because there is a single strong source far upwind and clean areas between it and the remote receptor region. But in the eastern United States there are no such clean areas; air travelling long distances is inevitably exposed to emissions all along its path. This makes it much more difficult to assign sources properly.

Everybody agrees that acid precipitation has to be reduced, the sooner the better, and that this will involve curtailing emissions in the areas most responsible for it

But with such a huge price tag ($2-4 billion per year for the new bills), it would seem of the highest priority to learn with certainty which sources are most important before attempting massive remedial action. Until recently, we at the University of Rhode Island, who are staunch advocates of the importance of long-range transport of air pollution because of our research in the Arctic, would have gone along with the new bills without a second thought. But we have quite accidentally produced some new data which cast doubt on part of the current picture, and, we believe, call for a more careful look at the entire system of sources and transport of acidity in the Northeast before major control action strongly oriented toward a particular region is taken. It is the purpose of this document to alert the scientific and legislative communities to the existence and preliminary interpretation of these results.

The new evidence comes from a system of elemental tracers of source areas of pollution which we have developed for our studies of the Arctic atmosphere, to which large amounts of pollution aerosol are routinely transported long distances during winter. During the last 18 months, we have learned how to choose combinations of elements to form unique signatures of several source areas of pollution aerosol, which can be used to discriminate their aerosols from one another even after transport of thousands of km. The first such tracer we developed, the ratio of excess or noncrustal Mn to excess V (called the Mn/V ratio for short), has allowed us to resolve aerosol from the eastern United States, Europe, and the central Soviet Union, all after transport to the Arctic. This was the first application of elemental tracers to large-scale source areas; its success has convinced us that this new approach will rapidly become a powerful tool in atmospheric science. In the future, many more elemental tracers will be developed and applied to a wide variety of problems that might otherwise be intractable.

While working with the Mn/V ratio in the Arctic, we realized that it could also be applied to regional-scale transport within the eastern United States, for the Mn/V ratios of the Midwest and the East Coast are quite different, and can be told apart easily. This approach should enable us to document the sources of atmospheric acidity with a greater resolution than was possible previously. By measuring Mn and V in the Northeast during episodes of sulfate and acidity and during nonepisodic periods, we felt that we could confirm the midwestern origin of episodes: Mn/V ratios of episodic aerosol should be midwestern, but Mn/V ratios between episodes should be more northeastern.

Only recently have we had proper data with which to do this. There are now three data sets available. The first, from High Point, New Jersey, during the summers of 1976 and 1977, showed an eightfold difference in Mn/V ratio between air masses coming from the Midwest and those coming from the East Coast. As expected, air masses from the Midwest carried higher sulfate. The other two data sets, from Watertown, Mass. and Narragansett, R.I., gave an entirely different picture, however, and had essentially no midwestern Mn/V ratios. The data from Rhode Island, which is comprised of over 60 samples spanning both summer and winter, showed no correlation at all between sulfate and excess Mn, excess V, or Mn/V ratio. Strong episodes of sulfate were seen, but they were usually accompanied by an eastern Mn/V ratio. Overall, the aerosol appeared to be strikingly eastern—at least 90% of the Mn/V ratios were purely eastern in summer; in winter, the aerosol was somewhat more varied but still markedly eastern. (Other elements in these same samples appeared to indicate the detectability of the plume from the Sudbury, Ontario INCO smelter which emits 10 percent of the North American SO_2. Elements characteristic of this plume appeared nearly every time a strong cold front passed through Rhode Island, when the winds came briskly from the NW for a day or so. Interestingly, levels of sulfate during these periods were very low. Because of the importance of this source to Canadian-American exchange of acidity, and because it is such a striking example of the power of elemental tracers, we intend to pursue this topic.)

The Rhode Island data did contain four cases of "midwestern" Mn/V ratios, however. But only one of these could be traced to the Midwest, and that came during a period of extremely strong westerly flow during winter, and brought low sulfate. The other three cases could be traced by meteorological maps to the Southeast, via a new and unexpected type of atmospheric transport. Apparently, air from the Southeast first travelled eastward over the ocean, then northward to New England under the influence of a strong upper-level trough. This pathway allowed it to miss the entire East Coast, and hence to preserve its southeastern signature.

What does all this new evidence mean? We do not propose that it challenges the basic picture of long-range transport in the Northeast—such an allegation would be premature. But we think it is significant that the first attempt to confirm the accepted picture through direct evidence has given such unexpected results. Instead of a monolithic Midwestern source, the Northeast is now seen to have a rich variety of sources and transport, a complexity that was totally unanticipated: the Sudbury plume can be detected after transport across the entire Northeast; the Southeast pollutes New England; the East Coast pollutes itself considerably. Ironically, the (midwestern) source that we had expected to find the most easily has proven the hardest to detect.

Perhaps some of our results depend on the nature of the technique (Mn and V supply information on the primary submicron aerosol, whereas sulfate and acidity are secondary, hence may have different origins?; perhaps not. But whatever the eventual outcome, it would seem prudent to exploit the new resource of elemental tracers by undertaking a systematic study of the multi-elemental composition of aerosol and precipitation throughout the Northeast and in the various possible source areas. Such an investigation should go far toward revealing the sources and transport of acidity in the Northeast.●

NICARAGUA: THEY DID IT AGAIN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. McDONALD. Mr. Speaker, the evidence continues to mount that we were sold the same bill of goods in Nicaragua that we were sold in Cuba, when the skids were put under Batista. The only way to rid Nicaragua of Somoza was to back the Sandanistas and their coalition, the Department of State assured everyone. However, it was plain for all to see that the Sandanistas had the guns and were Marxists. There was no doubt as to who would prevail and what the ideology would be if they won. Therefore, I was pleased to see the article by M. Stanton Evans in Human Events of December 26, 1981, which discussed this subject. One wonders how many times we have to make this same mistake? The item follows:

NICARAGUA: THEY DID IT AGAIN

(By M. Stanton Evans)

History is repeating itself in the Caribbean, and so are the alibis.

Back in the 1950s, American liberals fervently backed the cause of Fidel Castro in his alleged "liberation" of Cuba. They denied he was a Communist or a totalitarian. Once in power, of course, he lost little time in proving them mistaken: aligning himself with Moscow, liquidating and jailing non-Communist opponents, busily exporting Marxist revolution elsewhere.

The alibi for all this was that no one could have predicted Castro would turn out a Communist—that, indeed, he had been pushed into the arms of Moscow by our hostility. Ignored in such discussions was his declaration that he had been a Communist since he was in college, but had covered up that fact to ease his way to victory.

Now, an emerging body of evidence makes plain, it is happening again in Nicaragua.

With Castro's help, the Sandinista guerrillas in that country waged a bloody and ultimately successful war against the government of Anastasio Somoza. Vital to their effort were the backing of U.S. liberals, favorable coverage in our media, and the covert support of the Carter government, which cut off aid to Somoza and pressured others to do likewise.

As noted in a recent research paper from the Council for Inter-American Security, the Nicaraguan pattern since the Sandinista takeover has repeated the Cuban experience in almost every detail. Over the past two years, the Sandinistas have moved rapidly to construct a Marxist police state—and, except when making noises for our benefit, take little pains to conceal that fact. They are, in addition, helping export Marxism to other nations, also in the Cuban pattern. A few particulars:

In August of this year, Sandinista Defense Minister Humberto Ortega declared "we are anti-Yankee, we are against the bourgeoisie" and that "Marxism-Leninism is the scientific doctrine that guides our revolution." He added that "without Sandinism we cannot be Marxist-Leninist, and without Marxism-Leninism we cannot be revolutionary."

In October another Sandinista leader journeyed to the United Nations where he announced his country's "solidarity" with Cuba, Libya, North Korea, the PLO, and other Marxist elements—but not with any democratic ones. This was congruent with an earlier statement of solidarity with the Soviets, including support for the invasion of Afghanistan.

To help enforce "Marxism-Leninism" in Nicaragua, the Sandinistas have relied heavily on their Cuban mentors. An estimated 3,000 Cubans are in the country. The new regime conducts indoctrination courses in the schools and has set up "neighborhood committees" to spy out deviationists, in imitation of the Cuban model.

Repression is the order of the day. Property has been confiscated, elections postponed, political opponents assassinated and jailed, businessmen locked up, the electronic media taken over, and the daily paper La

Prensa subjected to constant harassment, including five closedowns this year.

As has been well-documented by our State Department, Nicaragua is a staging point for the Marxist attack on El Salvador—with Soviet and other supplies being transshipped from Cuba for use against the Salvadoran government. This replicates the lavish assistance that Castro gave the Sandinistas' own revolution.

Small wonder that Jose Esteban Gonzalez, head of the Nicaraguan Human Rights Commission, says the regime is "totalitarian" in nature and is "based on the objectives, programs and methods of the failed Cuban revolution."

The Sandinistas, Gonzalez charges, have used the power of the state and organized tactics of intimidation "to attack the members and destroy the officies of the political, labor, religious and humantarian organizations and the news media of democratic orientation."

These grim assessments are confirmed by other sources—including Jose Francisco Cardenal, a former official in the Sandinista government, and the Organization of American States, whose human rights investigators, in guarded verbiage, cite numerous cases of flagrant violation.

Again, confronted with such evidence, the liberals in this country who helped engineer the Sandinista takeover plead total ignorance and suggest that we have "driven" the Sandinistas into the totalitarian orbit by our hostility. Since the Sandinista leaders were trained and guided by Castro to begin with, and since they were nuzzling up to Moscow even as we were voting them $75 million in foreign aid, this seems a bit implausible.

The true character of the Sandinistas is self-evident—as is the sincerity of their U.S. apologists.●

INCREASING OUTSIDE EARNINGS LIMITATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. MAZZOLI. Mr. Speaker, as one who helped draft the sweeping and necessary ethical reforms of 1978, I am very concerned over recent action which has led to an increase in the limit on outside income of Members of Congress is permitted to earn.

The limitation on outside earnings adopted in 1978 is one of the most important of the several reforms adopted that year, all of which were designed to restore public confidence in the Congress as an institution and in the actions and objectivity of each Member.

The increase in the outside earnings limitation from $9,009 to $18,198 was adopted on December 15 by a nonrecorded voice vote. This reversed earlier House action on October 28, when a proposed change in the limitation was defeated in a recorded vote of 271 to 147. I voted not to increase the earnings limitation.

Whether one supports or opposes increasing permissible outside earnings, however, the House should not have resolved the issue without a recorded vote.●

SMALL BUSINESS IN AMERICA

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. BRINKLEY. Mr. Speaker, it is a pleasure to share with Members of this body the statement of Mr. Morton A. Harris, president of the Small Business Council of America. This presentation was made today before the Subcommittee on Labor of the Committee on Labor and Human Resources of the U.S. Senate.

Not only is Mr. Harris a scholar, but he is a practical man who personally uses the tools of his trade. Theory alone does not clothe a man with the distinguishing characteristics which enable him to be a national voice. Rather, it is that rare combination of theory and experience which go to the full measure of a man and to the recommendations which he is making.

Morton has earned the respect of his peers, and he has provided outstanding leadership as chief elected officer of this fine business council. It is with confidence that I commend his statement to your attention.

STATEMENT OF MORTON A. HARRIS, ESQUIRE, PRESIDENT, SMALL BUSINESS COUNCIL OF AMERICA, INC.

Good Morning Mr. Chairman and Members of the Committee: I am Morton A. Harris of the law firm of Page, Scrantom, Harris, McGlamry and Chapman of Columbus, Georgia. I am officially here today in my capacity as President of the Small Business Council of America, Inc. (SBCA). However, I am also appearing as an individual who has been involved in the private pension industry for over twenty years and who is vitally concerned with the continued viability and growth of a sound private pension system.

SBCA is a national organization of over 1,400 small business men and women located in 46 states. A major thrust of SBCA's efforts, since its founding in 1979, has been to identify problems in the small employer plan area and to seek solutions through the regulatory agencies or the Congress. SBCA's constant theme has been to urge the creation of incentives—and the elimination of disincentives—for the establishment and maintenanse of private employee benefit plans by small business employers.

As an initial matter, I would like to re-emphasize the basic point I made when I testified before this Subcommittee last November. SBCA strongly supports the thrust of S. 1541 and its companion in the House, H.R. 4330, introduced by Congressman John Erlenborn of Illinois. The stated purposes of this legislation—to encourage the establishment and growth of employee benefit plans and to encourage savings to meet the needs of employees and their families in the event of death, disability or retirement—are consistent with everything for which SBCA stands.

Mr. Chairman, in my view, the ERISA problems of small plans and small employers resulted, in no small measure, from the fact that ERISA was drafted with little consideration given to precisely how the reporting, disclosure, and administrative burdens—including the prohibited transaction provisions—would fall on small plans. I really cannot fault this Committee or others involved in drafting ERISA for this deficiency. Small businesses and small plans were relatively silent when ERISA went through the legislative process. The focus of the small business legislative effort was at the eleventh hour and was devoted to insuring that small plans could retain a sufficient tax advantage to encourage their continued growth and to insuring that there was no tax discrimination against small plans. In focusing on these problems, small business interests paid little attention to many of the administrative provisions of ERISA. I am delighted to note that since ERISA was enacted, small plans and small businesses, and indeed the entire private pension industry, have organized, and I can assure you that the small business sector will be outspoken when further employee benefits legislation is considered.

Over the coming months, SBCA will be communicating with this Committee, and with the House Education and Labor Committee, with respect to details of the pending bills. For today, I will confine my remarks to comments on some specific sections of Subtitle E of Title III of S. 1541—"Amendments to Fiduciary Responsibility Provisions".

SECTION 3504

Section 3504 provides amendments relating to ERISA's cofiduciary responsibility provisions. It makes clear that if fiduciary duties have been properly allocated, then a named fiduciary to whom a specific duty has not been allocated will not be held liable for an act or omission with respect to that duty by the named fiduciary to whom that duty has been allocated. We believe the changes incorporated in Section 3504 adopt what the Congress originally attempted to do when it dealt with the subject of co-fiduciary responsibility in ERISA. We believe named fiduciaries should be able to allocate duties and to reply on such allocation for protection, absent knowing participation in another's action. The ability to allocate duties and to rely on such allocation is particularly important to small employers who often do not have the "in-house" resources to administer plans and manage plan assets. Such employers rely heavily on outside fiduciaries to handle such matters, and should be able to limit their potential liability by proper allocation of duties to other responsible fiduciaries.

SECTION 3505-3510

Sections 3505 through 3510 provide amendments relating to the prohibited transaction provisions of ERISA.

Section 3505 essentially provides for a return to the "adequate consideration" or "arms length" standard for permissible "party-in-interest" transactions. We strongly support this change. We believe that the current ERISA approach—which adopts a blanket, statutory presumption that "party-in-interest transactions are "bad", subject to their being proven "good" in a lengthy administrative procedure—is simply too stringent and costly for the resulting benefits to participants. Although some transactions which would not have been in the interest of participants or beneficiaries undoubtedly have been prevented under this approach, we believe that many more transactions, which would have benefited all concerned, have simply not been attempted. We recognize that much progress has been made since 1974 in granting needed exemptions and in refining the exemption process. However, the inherent costs and delays still preclude many small employers from entering into perfectly legitimate transactions which would be in the best interests of all concerned. Given that the "prudent man" and "exclusive benefit" rules will remain applicable to all investment decisions involving a plan, we would contend that so long as any transaction is "arms length" and for adequate consideration, it should be permitted. In taking this position, we are very mindful that under S. 1541, participants and beneficiaries will continue to have significant rights to comprehensive disclosure of plan activities and to causes of action for violation of the "prudence" and prohibited transaction rules. We are also mindful that the appropriate regulatory agency will retain its auditing and enforcement functions.

Section 3508 would amend ERISA Section 408 to provide specific statutory exemptions from the prohibited transaction provisions for certain common transactions involving "substantial employers". We support these exemptions. For example, the lease of property by a trust to an employer, under lease terms which are commercially competitive and where holding the property itself is "prudent", could be very beneficial to a plan and its participants as well as to the employer. Similarly, loans by a trust to an employer at "arms-length" interest and subject to adequate security could be beneficial to all parties concerned. Given the built-in safeguards of Section 3508, to require prior administrative approval of such transactions would involve a cost in terms of time and money which is simply not justified by the extra "benefit" to participants and beneficiaries.

Although we support Section 3508, we would suggest some additions. First, we would recommend a clear direction to the appropriate regulatory agency, preferably in the statute itself, that the exemptions contained in ERISA Section 408 are applicable to transactions described in ERISA Section 406(b) as well as Section 406(a). If the stated conditions for a statutory exemption are met, the exemption should be available regardless of whether the party-in-interest is also a fiduciary. Further, we would recommend a statutory direction in ERISA Section 408 confirming that a voluntary, nondeductible contribution of property other than money by a participant to a plan does not constitute a "sale or exchange" and, therefore, does not constitute a prohibited transaction. Individuals should be encouraged, not discouraged, to save for retirement, and often a voluntary contribution of property is more feasible than a cash contribution.

Section 3510 would extend the administrative exemption procedure to persons who are "owner-employees". We see no valid reason for the current provision in ERISA Section 408(d) which precludes "owner-employees" from availing themselves of the exemption procedure, and would submit that the preclusion was inadvertent when adopted. We strongly recommend the correction contained in Section 3510.

Mr. Chairman, that concludes my prepared remarks. I will be delighted to respond to any questions that you or the other members of the Committee may have.●

CONGRESSIONAL SALUTE TO THE HONORABLE ROMEO T. DEVITA OF PATERSON, N.J., OUTSTANDING HOUSING DIRECTOR, COMMUNITY LEADER AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. ROE. Mr. Speaker, on Friday, January 29 the residents of my congressional district, State of New Jersey will gather in testimony to the outstanding public service rendered to our people by one of our most distinguished citizens, community leader, and good friend, the Honorable Romeo T. DeVita, who is retiring from this esteemed office of executive director of the housing authority of the city of Paterson where he has served with distinction for over three decades. I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation for all of his good works and share great pride in the success of his achievements with his good wife Olga and their children.

Mr. Speaker, as Romeo DeVita retires as Paterson's housing director, we applaud his lifetime of dynamic and dedicated service to people in the crusade for individual rights, quality of life, and the dignity of man, particularly in the sphere of people's essential needs in housing. His attainment of the U.S. Department of Housing and Urban Development's Certificate of Appreciation Award in recognition of his personal involvement and leadership for 25 years in developing decent housing is a manifestation of his sincerity of purpose and accomplishment in this area of national concern.

Romeo was born in southwestern Pennsylvania and we are proud to boast that he settled in the city of Paterson with his family when he was 2 years old—an almost native of this great city of industry. He attended local schools and has a master of arts degree in administration from Montclair State College, his alma mater also for his undergraduate degree.

He served our country with courage and valor as a member of the U.S. Air Force during World War II, 1942-46, and has many decorations and awards for his exemplary military service. Among his treasured service awards is the national citation he received for distinguished service in behalf of our disabled American veterans.

There are many who will relate his great prowess also in his athletic endeavors and others who will point to the illustrious career he could have had in professional football. When World War II was declared he declined an offer from the Detroit Lions to enter our Nation's Armed Forces. He was elected to Montclair's Athletic Hall of Fame October 7, 1978.

Mr. Speaker, there is so much that can be said about Romeo DeVita. He was the champion and the leading spokesman and organizer for public housing and social service programs for the tenants. His compassion, goodwill, and untiring efforts in seeking to resolve the problems and accommodate the needs of over 8,000 residents of public housing in the city of Paterson has been a hallmark of his career.

In addition to his overcrowded daily pursuits on behalf of public housing in the city of Paterson, he expended his evening hours organizing and running "small fry clubs," adult education programs, carpentry classes, tenant councils, and even a 4-H Garden Club. He liked people and liked getting involved.

Since his appointment as executive director of the housing authority of the city of Paterson on February 5, 1951, the quality of his leadership and expertise has surely enhanced the growth of the city and this is particularly evidenced in the unprecedented record development that has taken place in Paterson, particularly the building boom during the antipoverty days of the mid-sixties.

Throughout his lifetime Romeo has forged ahead with three very important and significant foundations to success: first, ability; second, personal desire to do the work and achieve; and, third, a feeling for people. We applaud his knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community.

May I also add that he is a fine educator of great note. Following World War II he returned home and joined the staff of Paterson Commercial College. He also found time to coach the Central High School basketball team in the evenings while attending college classes. As a recognized authority in the field of public housing, he has taught courses in housing management and has served as a coach and consultant to the U.S. Department of Housing and Urban Development in educating new executive directors of housing authorities.

Romeo DeVita has been a staunch supporter and active participant in many civic and community improvement programs and we applaud the quality of his leadership endeavors in the vanguard of public housing programs.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of our way of life here in America and I am pleased to call your attention to Romeo DeVita's lifetime of outstanding public service. As he retires his official leadership position as executive director of the housing authority of the city of Paterson, I respectfully seek this national recognition of his contribution to our country. We do indeed salute an outstanding housing director, distinguished citizen, community leader, and great American who has truly enriched our community, State, and Nation—the Honorable Romeo T. DeVita, of Paterson, N.J.●

THE HEIGHT OF LEGAL IGNORANCE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1982

● Mr. OTTINGER. Mr. Speaker, I rise to bring to the attention of my colleagues a vitally important "Dear Colleague" letter which was circulated by the distinguished gentleman from Illinois, Harold Washington. The letter concerns the Reagan administration's outrageous decision to allow tax exemptions for racially segregated schools and the serious ramifications which might arise from legislation proposed by President Reagan to remedy this decision.

As Harold Washington notes, the legislation President Reagan intends to submit to Congress to remedy his original decision may have the opposite effect. He points out that:

> Such legislation could create a retroactive loophole by suggesting that the IRS was without prior authority to withhold exemptions. This would allow institutions which had been denied or, in reliance on IRS, had failed to apply for exemptions in years past, to sue the Government for recovery of taxes.

The fact is that this new legislation is simply unnecessary, because existing law provides for the IRS's authority to withhold tax-exempt status from private schools which discriminate against minorities. The U.S. Civil Rights Commission has concluded that the IRS continues to have such authority, the Supreme Court has upheld this authority, and three Presidents have enforced that authority. The President's argument that the IRS lacks the authority to deny tax exemptions to racist schools is sheer sophistry.

Indeed, the President's decision can only be seen as a callous attempt to appease the most rightwing elements in our Nation. No belated attempt to submit correcting legislation can change that. The President should simply admit his mistake on this point of law, and vigorously enforce the denial of tax exemptions to racist schools. I am including in today's Record Congressman Washington's letter and the U.S. Civil Rights Commission analysis of the administration's decision:

Congress of the United States,
House of Representatives,
Washington D.C., January 20, 1982.

Dear Colleague: I urge you to pay close attention to the attached Civil Rights Commission analysis of IRS's authority to withhold tax exempt status from private schools which discriminate against minorities.

While many Members are anxious to introduce new legislation, the Civil Rights Commission has concluded that IRS continues to have such authority as a matter of law.

Legal scholars concur, and a consensus is developing that additional legislation would be harmful. It would create a retroactive loophole by suggesting that IRS was without prior authority to withhold exemptions. This would allow institutions which had been denied or, in reliance on IRS, had failed to apply for exemptions in years past, to sue the government for recovery of taxes. The government would of course defend itself by arguing that IRS had the authority to withhold such exemptions prior to new legislation, a position that the courts have already sustained.

The Administration has already reversed itself on a matter of policy. It should now admit that it was mistaken on a point of law. The Congress will be asked to consider many important issues during the coming session. We do not have time to spin our wheels.

Thank you for considering this matter.

Sincerely,

Harold Washington,
Member of Congress.

STATEMENT OF THE U.S. COMMISSION ON CIVIL RIGHTS ON THE ADMINISTRATION'S DECISION TO REVOKE ITS REVENUE RULES AND TO GRANT TAX-EXEMPT STATUS TO SCHOOLS THAT DISCRIMINATE ON THE BASIS OF RACE

The Congress provided the legislative basis for denying tax exemptions to schools that discriminate because of race when it passed the Civil Rights Act of 1964. Title VI of that Act prohibits racial discrimination in federally assisted programs. Since tax benefits are a form of Federal assistance, tax exemptions are covered.

In 1971, the U.S. District Court for the District of Columbia stated in *Green* v. *Connally,* 330 F. Supp. 1150 (1971), *aff'd sub nom. Coit* v. *Green* 404 U.S. 997 (1971) that "[t]he national policy against support for segregated education emerged in provisions adopted by the Congress in the Civil Rights Act of 1964 [Title VI]" and that the applying of Title VI to tax exemptions and deductions "is an expression of Federal policy against Federal support for private schools that practice racial discrimination." At a later point, the court continued:

"The Internal Revenue Code provisions on charitable exemptions and deductions must be construed to avoid frustrations of Federal policy. Under the conditions of today they can no longer be construed so as to provide to private schools operated on a racially discriminatory premise the support of the exemptions and deductions which Federal tax law affords to charitable organizations and their sponsors."

The decision in *Green* has been affirmed by the Supreme Court of the United States.

The last three Administrations have supported a policy that has precluded the granting of tax exemptions to racially discriminatory schools. In accord with Title VI of the Civil Rights Act of 1964, the Internal Revenue Code, and the Constitution, the Commission believes that the President should direct the Internal Revenue Service to exercise its ample authority to deny tax exemptions to private schools that discriminate on the basis of race and the Internal Revenue Service should enforce the law.●

CONGRESSIONAL RECORD

SENATOR, STATE, AND CAPITOL OFFICE

(As furnished by the Office of the Sergeant at Arms.)

(NOTE.—Room numbers with 3 digits are in the Russell Senate Office Building, and 4 digits are in the Dirksen Senate Office Building, Washington, D.C. 20510.)

[Republicans in roman (53), Democrats in italic (46), Independent-Democrat* (1)]

	Suite No.
Vice Pres. Bush, George (Tex.)	2203
Abdnor, James (S. Dak.)	4327
Andrews, Mark (N. Dak)	417
Armstrong, William L. (Colo.)	1321
Baker, Howard H., Jr. (Tenn.)	4123
Baucus, Max (Mont.)	1107
Bentsen, Lloyd (Tex.)	240
Biden, Joseph R., Jr. (Del.)	456
Boren, David L. (Okla.)	440
Boschwitz, Rudy (Minn.)	2317
Bradley, Bill (N.J.)	2107
Bumpers, Dale (Ark.)	3229
Burdick, Quentin N. (N. Dak.)	451
**Byrd, Harry F., Jr.* (Va.)	245
Byrd, Robert C. (W. Va.)	133
Cannon, Howard W. (Nev.)	260
Chafee, John H. (R.I.)	5229
Chiles, Lawton (Fla.)	437
Cochran, Thad (Miss.)	321
Cohen, William S. (Maine)	1251
Cranston, Alan (Calif.)	229
D'Amato, Alfonse M. (N.Y.)	432
Danforth, John C. (Mo.)	460
DeConcini, Dennis (Ariz.)	3230
Denton, Jeremiah (Ala.)	5327
Dixon, Alan J. (Ill.)	4203
Dodd, Christopher J. (Conn.)	404
Dole, Robert (Kans.)	2213
Domenici, Pete V. (N. Mex.)	4239
Durenberger, David (Minn.)	353
Eagleton, Thomas F. (Mo.)	1209
East, John P. (N.C.)	6107
Exon, J. James (Nebr.)	3313
Ford, Wendell H. (Ky.)	363
Garn, Jake (Utah)	5207
Glenn, John (Ohio)	2235
Goldwater, Barry (Ariz.)	337
Gorton, Slade (Wash.)	3327
Grassley, Charles E. (Iowa)	232
Hart, Gary (Colo.)	221
Hatch, Orrin G. (Utah)	125
Hatfield, Mark O. (Oreg.)	463
Hawkins, Paula (Fla.)	1327
Hayakawa, S. I. (Sam), (Calif.)	6217
Heflin, Howell (Ala.)	3107
Heinz, John (Pa.)	443
Helms, Jesse (N.C.)	4213
Hollings, Ernest F. (S.C.)	115
Huddleston, Walter D. (Ky.)	2121
Humphrey, Gordon J. (N.H.)	6205
Inouye, Daniel K. (Hawaii)	105
Jackson, Henry M. (Wash.)	137
Jepsen, Roger W. (Iowa)	110
Johnston, J. Bennett (La.)	421
Kassebaum, Nancy Landon (Kans.)	304
Kasten, Bob (Wis.)	328
Kennedy, Edward M. (Mass.)	109
Laxalt, Paul (Nev.)	315
Leahy, Patrick J. (Vt.)	427
Levin, Carl (Mich.)	140
Long, Russell B. (La.)	217
Lugar, Richard G. (Ind.)	1113
Mathias, Charles McC., Jr. (Md.)	358
Matsunaga, Spark M. (Hawaii)	5121
Mattingly, Mack (Ga.)	6241
McClure, James A. (Idaho)	3121
Melcher, John (Mont.)	253
Metzenbaum, Howard M. (Ohio)	347
Mitchell, George J. (Maine)	344
Moynihan, Daniel Patrick (N.Y.)	442
Murkowski, Frank H. (Alaska)	2104
Nickles, Don (Okla.)	6327
Nunn, Sam (Ga.)	3241
Packwood, Bob (Oreg.)	145
Pell, Claiborne (R.I.)	325
Percy, Charles H. (Ill.)	4321
Pressler, Larry (S. Dak.)	411
Proxmire, William (Wis.)	5241
Pryor, David (Ark.)	248
Quayle, Dan (Ind.)	254
Randolph, Jennings (W. Va.)	3203
Riegle, Donald W., Jr. (Mich.)	1207
Roth, William V., Jr. (Del.)	3215
Rudman, Warren (N.H.)	4104
Sarbanes, Paul S. (Md.)	2327
Sasser, Jim (Tenn.)	260
Schmitt, Harrison "Jack" (N. Mex.)	5313
Simpson, Alan K. (Wyo.)	4107
Specter, Arlen (Pa.)	342
Stafford, Robert T. (Vt.)	5219
Stennis, John C. (Miss.)	205
Stevens, Ted (Alaska)	127
Symms, Steven D. (Idaho)	452
Thurmond, Strom (S.C.)	209
Tower, John (Tex.)	142
Tsongas, Paul E. (Mass.)	362
Wallop, Malcolm (Wyo.)	204
Warner, John W. (Va.)	405
Weicker, Lowell P., Jr. (Conn.)	313
Williams, Harrison A., Jr. (N.J.)	352
Zorinsky, Edward (Nebr.)	431

STANDING COMMITTEES OF THE SENATE

Committee on Agriculture, Nutrition, and Forestry

Mr. Helms (chairman), Mr. Dole, Mr. Hayakawa, Mr. Lugar, Mr. Cochran, Mr. Boschwitz, Mr. Jepsen, Mrs. Hawkins, Mr. Andrews, Mr. Huddleston, Mr. Leahy, Mr. Zorinsky, Mr. Melcher, Mr. Pryor, Mr. Boren, Mr. Dixon, and Mr. Heflin.

Committee on Appropriations

Mr. Hatfield (chairman), Mr. Stevens, Mr. Weicker, Mr. McClure, Mr. Laxalt, Mr. Garn, Mr. Schmitt, Mr. Cochran, Mr. Andrews, Mr. Abdnor, Mr. Kasten, Mr. D'Amato, Mr. Mattingly, Mr. Rudman, Mr. Spector, Mr. Proxmire, Mr. Stennis, Mr. Byrd of West Virginia, Mr. Inouye, Mr. Hollings, Mr. Eagleton, Mr. Chiles, Mr. Johnston, Mr. Huddleston, Mr. Burdick, Mr. Leahy, Mr. Sasser, Mr. DeConcini, and Mr. Bumpers.

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Committee on Commerce, Science, and Transportation

Mr. Packwood (chairman), Mr. Goldwater, Mr. Schmitt, Mr. Danforth, Mrs. Kassebaum, Mr. Pressler, Mr. Gorton, Mr. Stevens, Mr. Kasten, Mr. Cannon, Mr. Long, Mr. Hollings, Mr. Inouye, Mr. Ford, Mr. Riegle, Mr. Exon, and Mr. Heflin.

Committee on Energy and Natural Resources

Mr. McClure (chairman), Mr. Hatfield, Mr. Weicker, Mr. Domenici, Mr. Wallop, Mr. Warner, Mr. Humphrey, Mr. Murkowski, Mr. Nickles, Mr. East, Mr. Heinz, Mr. Jackson, Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Metzenbaum, Mr. Matsunaga, Mr. Melcher, Mr. Tsongas, and Mr. Bradley.

Committee on Environment and Public Works

Mr. Stafford (chairman), Mr. Baker, Mr. Domenici, Mr. Chafee, Mr. Simpson, Mr. Abdnor, Mr. Symms, Mr. Gorton, Mr. Murkowski, Mr. Randolph, Mr. Bentsen, Mr. Burdick, Mr. Hart, Mr. Moynihan, Mr. Mitchell, and Mr. Baucus.

Committee on Finance

Mr. Dole (chairman), Mr. Packwood, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Heinz, Mr. Wallop, Mr. Durenberger, Mr. Armstrong, Mr. Symms, Mr. Grassley, Mr. Long, Mr. Byrd of Virginia, Mr. Bentsen, Mr. Matsunaga, Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, and Mr. Mitchell.

Committee on Foreign Relations

Mr. Percy (chairman), Mr. Baker, Mr. Helms, Mr. Hayakawa, Mr. Lugar, Mr. Mathias, Mrs. Kassebaum, Mr. Boschwitz, Mr. Pressler, Mr. Pell, Mr. Biden, Mr. Glenn, Mr. Sarbanes, Mr. Zorinsky, Mr. Tsongas, Mr. Cranston, and Mr. Dodd.

Committee on Governmental Affairs

Mr. Roth (chairman), Mr. Percy, Mr. Stevens, Mr. Mathias, Mr. Danforth, Mr. Cohen, Mr. Durenberger, Mr. Mattingly, Mr. Rudman, Mr. Eagleton, Mr. Jackson, Mr. Chiles, Mr. Nunn, Mr. Glenn, Mr. Sasser, Mr. Pryor, and Mr. Levin.

Committee on the Judiciary

Mr. Thurmond (chairman), Mr. Mathias, Mr. Laxalt, Mr. Hatch, Mr. Dole, Mr. Simpson, Mr. East, Mr. Grassley, Mr. Denton, Mr. Specter, Mr. Biden, Mr. Kennedy, Mr. Byrd of West Virginia, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Baucus, and Mr. Heflin.

Committee on Labor and Human Resources

Mr. Hatch (chairman), Mr. Stafford, Mr. Quayle, Mrs. Hawkins, Mr. Nickles, Mr. Weicker, Mr. Humphrey, Mr. Denton, Mr. East, Mr. Kennedy, Mr. Randolph, Mr. Williams, Mr. Pell, Mr. Eagleton, Mr. Riegle, and Mr. Metzenbaum.

Committee on Small Business

Mr. Weicker (chairman), Mr. Packwood, Mr. Hatch, Mr. Hayakawa, Mr. Boschwitz, Mr. Gorton, Mr. Nickles, Mr. Rudman, Mr. D'Amato, Mr. Nunn, Mr. Huddleston, Mr. Bumpers, Mr. Sasser, Mr. Baucus, Mr. Levin, Mr. Tsongas, and Mr. Dixon.

Committee on Rules and Administration

Mr. Mathias (chairman), Mr. Hatfield, Mr. Baker, Mr. McClure, Mr. Helms, Mr. Warner, Mr. Dole, Mr. Ford, Mr. Cannon, Mr. Pell, Mr. Byrd of West Virginia, and Mr. Williams.

Committee on Veterans' Affairs

Mr. Simpson (chairman), Mr. Thurmond, Mr. Stafford, Mr. Kasten, Mr. Denton, Mr. Murkowski, Mr. Specter, Mr. Cranston, Mr. Randolph, Mr. Matsunaga, Mr. DeConcini, and Mr. Mitchell.

OFFICERS OF THE SENATE

President Pro Tempore—Strom Thurmond.
Secretary of the Senate—William F. Hildenbrand
Sergeant at Arms of the Senate—Howard S. Liebengood.
Secretary for the Majority—Howard O. Greene, Jr.
Secretary for the Minority—Terrence E. Sauvain.
Chaplain of the Senate—Reverend Richard C. Halverson, L.L.D., D.D.

UNITED STATES SUPREME COURT

Chief Justice Burger, of Virginia.
Justice Brennan, of New Jersey.
Justice White, of Colorado.
Justice Marshall, of New York.
Justice Blackmun, of Minnesota.
Justice Powell, of Virginia.
Justice Rehnquist, of Arizona.
Justice Stevens, of Illinois.
Justice O'Connor, of Arizona.

OFFICERS OF THE SUPREME COURT

Clerk—Alexander L. Stevas.
Librarian—Roger F. Jacobs.
Marshal—Alfred Wong.
Reporter of Decisions—Henry C. Lind.
Administrative Assistant to the Chief Justice—Mark W. Cannon.

Public Information Officer—Barrett McGurn.

UNITED STATES JUDICIAL CIRCUITS
JUSTICES ASSIGNED
TERRITORY EMBRACED

District of Columbia judicial circuit: Chief Justice Burger.

First judicial circuit: Justice Brennan. Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island.

Second judicial circuit: Justice Marshall. Connecticut, New York, Vermont.

Third judicial circuit: Justice Brennan. Delaware, New Jersey, Pennsylvania, Virgin Islands.

Fourth judicial circuit: Chief Justice Burger. Maryland, North Carolina, South Carolina, Virginia, West Virginia.

Fifth judicial circuit: Justice White. Canal Zone, Louisiana, Mississippi, Texas.

Sixth judicial circuit: Justice O'Connor. Kentucky, Michigan, Ohio, Tennessee.

Seventh judicial circuit: Justice Stevens. Illinois, Indiana, Wisconsin.

Eighth judicial circuit: Justice Blackmun. Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Ninth judicial circuit: Justice Rehnquist. Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Guam, Hawaii.

Tenth judicial circuit: Justice White. Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.

Eleventh judicial circuit: Justice Powell. Alabama, Florida, Georgia.

Tuesday, January 26, 1982

Daily Digest

HIGHLIGHTS

Senate and House met in joint session to receive the President's state of the Union message.

Senate

Chamber Action

Routine Proceedings, pages S59–S68

Bills Introduced: Two bills and one resolution were introduced, as follows: S. 2016–2017 and S. Res. 284.

Page S61

Bills Reported: Reports were made as follows:

Reported on January 25, 1982:

S. 1630, reforming the Federal criminal laws and streamlining the administration of criminal justice, with an amendment in the nature of a substitute (S. Rept. No. 97–307).

Page S22

President's Message on the State of the Union: Senate met in joint session with the House of Representatives and received a message from the President of the United States on the State of the Union.

Page S68

Vice Presidential Appointments: The Presiding Officer, on behalf of the Vice President, pursuant to S. Res. 381, 96th Congress, appointed Senators Mathias, Warner, and Gorton, former Senator Milton R. Young, of North Dakota, and former Senator Hugh Scott, of Pennsylvania, to the Study Group on the Commemoration of the United States Senate Bicentenary.

Page S59

Nominations: Senate received the following nominations:

Leroy J. Contie, Jr., of Ohio, to be U.S. Circuit Judge for the Sixth Circuit.

Elizabeth A. Kovachevich, to be U.S. District Judge for the Middle District of Florida.

Julio Gonzales, to be U.S. Marshal for the Central District of California.

Richard L. Cox, to be U.S. Marshal for the Middle District of Florida.

Carlos C. Cruz, to be U.S. Marshal for the Southern District of Florida.

M. Clifton Nettles III, to be U.S. Marshal for the Southern District of Georgia.

Eugene G. Liss, to be U.S. Marshal for the District of New Jersey.

Rudolph G. Miller, to be U.S. Marshal for the District of New Mexico.

Gene G. Abdallah, to be U.S. Marshal for the District of South Dakota.

Walter J. Stoessel, Jr., of the District of Columbia, to be Deputy Secretary of State.

Lawrence S. Eagleburger, of Florida, to be Under Secretary of State for Political Affairs.

Powell Allen Moore, of Georgia, to be an Assistant Secretary of State.

Michael Hayden Armacost, of Maryland, to be Ambassador to the Philippines.

Keith Lapham Brown, of Colorado, to be Ambassador to the Kingdom of Lesotho.

Anthony Cecil Eden Quainton, of Washington, to be Ambassador to Nicaragua.

Howard Eugene Douglas, of Virginia, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large while serving in that position.

Maynard W. Glitman, of Vermont, for the rank of Ambassador while serving as Department of State Representative and Deputy Head of the U.S. Delegation to the Intermediate Range Nuclear Force Negotiations.

Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank.

Frederic Arnold Eidsness, Jr., of Colorado, to be an Assistant Administrator of the Environmental Protection Agency.

Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission.

Joan D. Aikens, of Pennsylvania, to be a Member of the Federal Election Commission.

Lee Ann Elliott, of Illinois, to be a Member of the Federal Election Commission.

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission.

J. J. Simmons III, of New Jersey, to be a Member of the Interstate Commerce Commission.

Herbert E. Ellingwood, of California, to be a Member of the Merit Systems Protection Board.

Herbert E. Ellingwood, of California, to be Chairman of the Merit Systems Protection Board.

William J. Bennett, of North Carolina, to be Chairman of the National Endowment for the Humanities.

John W. Crutcher, of Virginia, to be a Commissioner of the Postal Rate Commission.

Senate also received the withdrawal of the nomination of Robert N. Smith, of Ohio, to be an Assistant Secretary of Defense, which was sent to the Senate on September 4, 1981.

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Recess: Senate met at 8:15 p.m., and recessed at 9:53 p.m., until 10 a.m., on Thursday, January 28, 1982.

Committee Meetings

(Committees not listed did not meet)

COMMITTEE BUDGET

Committee on Environment and Public Works: Committee approved for reporting an original resolution requesting $2,267,000 in operating expenses of the committee for 1982.

Also, committee resumed markup of proposed amendments to the Clean Air Act (P.L. 95–95), but did not complete action thereon, and recessed subject to call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported an original joint resolution providing for the release within the United States of the U.S. International Communication Agency production, "A Day of Solidarity."

Also, committee began consideration of the committee budget for 1982, and the following treaties: Treaty of Friendship with Kiribati (Ex. A, 96th Cong., 2nd sess.), Treaty of Friendship with Tuvalu (Ex. W, 96th Cong., 1st sess.), Treaty of Friendship and Delimitation of the Maritime Boundary with the Cook Islands (Ex. P, 96th Cong., 2nd sess.), and Treaty with New Zealand on the Delimitation of the Maritime Boundary between the U.S. and Tokelau (Treaty Doc. No. 97–5), but did not complete action thereon, and recessed subject to call.

POLAND

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the situation in and U.S. relations with Poland, receiving testimony from Allen Holmes, Acting Assistant Secretary of State for European Affairs.

Committee recessed subject to call.

OFFICE OF FOREIGN MISSIONS

Committee on Governmental Affairs: On Monday, January 25, Subcommittee on Governmental Efficiency and the District of Columbia approved for full committee consideration, with an amendment, S. 854, establishing an Office of Foreign Missions responsible for providing benefits for foreign missions on terms approved by the Secretary of State. (As approved by the subcommittee, the bill incorporates the text of S. 1818, a related measure.)

ERISA—MORTGAGE INVESTMENTS/ RETIREMENT INCOME INCENTIVES

Committee on Labor and Human Resources: Subcommittee on Labor concluded hearings on S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees, and S. 1678, permitting private pension funds to invest in residential real estate, after receiving testimony from Senator Lugar; Raymond J. Donovan, Secretary, T. Timothy Ryan, Solicitor, Donald L. Dotson, Assistant Secretary for Labor-Management Services Administration, and Jeffrey Clayton, Administrator, Pension and Welfare Benefit Program, all of the Department of Labor; Morton A. Harris, Small Business Council of America, Inc., Columbus, Georgia; Scott J. Macey, American Telephone and Telegraph Co., Basking Ridge, New Jersey, on behalf of the ERISA Industry Committee; Marvin A. Levins, Sr., Connecticut General Life Insurance Co., Hartford, on behalf of the American Council of Life Insurance; Charles A. Moran, Sr., Manufacturers Trust Co., New York City, on behalf of the American Bankers Association; Theodore R. Groom, Washington, D.C., on behalf of the Prudential Insurance Company of America/Equitable Life Assurance Society of the U.S./John Hancock Mutual Life Insurance Company/Connecticut General Life Insurance Company/ and Aetna Life and Casualty; Douglas E. Johnson, Chase Home Mortgage Corp., Montvale, New Jersey, on behalf of the Mortgage Bankers Association of America; and Steven Zaleznick, on behalf of the American Association of Retired Persons, Stephen R. Bruce, Pension Rights Center, Michael S. Gordon, Mittleman and Gordon, Steven P. Doehler, Mortgage Insurance Companies of America, and Stuart M. Lewis, on behalf of the National Association of Home Builders, all of Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 23 public bills, H.R. 5336–5358; 3 private bills, H.R. 5359–5361; and 12 resolutions, H.J. Res. 383 and 384, H. Con. Res. 246–249, and H. Res. 320–325 were introduced.

Pages H56–H57

Recess: House recessed at 12:47 p.m. and reconvened at 8:43 p.m.

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President's State of the Union Message: Before a joint session of Congress, President Reagan delivered his state of the Union message. He was escorted to and from the House Chamber by a committee composed of Senators Baker, Thurmond, McClure, Tower, Garn, Packwood, Hayakawa, Robert C. Byrd, Cranston, Inouye, Bentsen, Sasser, and Sarbanes; and Representatives Wright, Foley, Long of Louisiana, Alexander, Edwards of California, Michel, Lott, Kemp, Rhodes, and Clausen.

The message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House document (H. Doc. 97–133).

Pages H51–H55

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at noon and adjourned at 9:54 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on intelligence matters. Testimony was heard from William J. Casey, Director, CIA, and representatives of the Department of Defense.

AT&T SETTLEMENT

Committee on Energy and Commerce: Subcommittee on Telecommunications, Consumer Protection, and Finance and the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary held a joint hearing on the AT&T settlement. Testimony was heard from public witnesses.

Hearings continue January 28.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Ordered reported H.J. Res. 382, to permit the broadcasting in the United States of the International Communication Agency film "Let Poland Be Poland: A Day of Solidarity With the People of Poland".

The Committee also held a hearing on H. Res. 300, directing the Secretary of State to provide to the House of Representatives certain information concerning the pending extradition proceedings against Ziad Abu Eain. Testimony was heard from Representatives Crockett and Conyers; Morris Draper, Deputy Assistant Secretary, Bureau of Near Eastern and South Asian Affairs, Department of State; Daniel W. McGovern, Deputy Legal Adviser, Department of State and Roger Olson, Deputy Assistant Attorney General, Department of Justice.

PROMPT PAYMENT ACT

Committee on Government Operations: Subcommittee on Legislation and National Security held a hearing on H.R. 4709, Prompt Payment Act of 1981. Testimony was heard from Representative Ireland; Edwin L. Harper, Deputy Director, OMB; Milton Socolar, Special Assistant to the Comptroller General, GAO; from the following officials of SBA: Ray Kline, Deputy Administrator and Frank Swain, Chief Counsel for Advocacy and a public witness.

RIF'D FEDERAL WORKERS AND THE IMPACT OF RIF'S ON WOMEN AND MINORITIES

Committee on Government Operations: Subcommittee on Manpower and Housing held a hearing on job help for RIF'd Federal workers and the impact of RIF's on women and minorities. Testimony was heard from Representatives Parris, Wolf, and Fauntroy and public witnesses.

Hearings continue tomorrow.

RECLAMATION SAFETY OF DAMS ACT AMENDMENTS

Committee on Interior and Insular Affairs: Subcommittee on Water and Power Resoucres held a hearing on H.R. 3208, to amend the Reclamation Safety of Dams Act of 1978. Testimony was heard from Representatives Rhodes, Loeffler, and Rudd; Robert

Broadbent, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

EXTRADITION ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 5227, Extradition Act of 1981, and existing extradition laws. Testimony was heard from Roger Olson, Deputy Attorney General, Department of Justice; Daniel W. McGovern, Deputy Legal Advisor, Department of State; and public witnesses.

Hearings continue February 3.

COMMITTEE BUDGET

Committee on Post Office and Civil Service: Approved Committee budget request for 1982.

SMALL BUSINESS INNOVATION DEVELOPMENT ACT

Committee on Science and Technology: Held a hearing on H.R. 4326, Small Business Innovation Development Act of 1981. Testimony was heard from Senators Kennedy and Rudman; Denis Prager, Associate Director, Office of Science and Technology Policy; Donald Templeman, Deputy Administrator, SBA; Donald N. Langenberg, Deputy Director, NSF; Stuart J. Evans, Director of Procurement, NASA; Hilary Rauch, Director of Procurement and Assistance Management, Department of Energy; Henry Kirschenmann, Deputy Assistant Secretary for Grants and Procurement, Department of Health and Human Services; and Morton Myers, Director, Program Analysis Division, GAO.

Hearings continue tomorrow.

Joint Meeting

JEC ANNUAL REPORT

Joint Economic Committee: Committee resumed hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1982, receiving testimony from Paul A. Volcker, Chairman, Board of Governors, Federal Reserve System.

Hearings continue tomorrow.

COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 27, 1982

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, closed business meeting, to consider committee budget for 1982 and other organizational matters, 2:30 p.m., 212 Russell Building.

Committee on the Budget, business meeting, to consider the committee budget for 1982, 10 a.m., 6202 Dirksen Building.

Committee on Energy and Natural Resources, business meeting, to consider the committee budget for 1982, 10 a.m., 3110 Dirksen Building.

Committee on Finance, business meeting, to consider committee budget for 1982, 9:30 a.m., 2221 Dirksen Building.

Committee on Foreign Relations, to hold hearings on the nomination of John R. Bolton, of Virginia, to be Assistant Administrator for Program and Policy Coordination, Agency for International Development (AID), 9 a.m., 4221 Dirksen Building.

Full Committee, to hold hearings on the nominations of Walter J. Stoessel, Jr., of California, to be Deputy Secretary of State, and Powell A. Moore, of Virginia, to be Assistant Secretary of State for Congressional Affairs, 10 a.m., 4221 Dirksen Building.

Subcommittee on European Affairs, to hold hearings on the current credit situation in Poland, 2 p.m., 4221 Dirksen Building.

Committee on Governmental Affairs, business meeting, to consider the committee budget for 1982, 10 a.m., 3302 Dirksen Building.

Committee on the Judiciary, Subcommittee on Constitution, to hold hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965, 9:30 a.m., 2228 Dirksen Building.

Full Committee, to hold hearings on the nominations of Michael S. Kanne and James T. Moody, each to be a U.S. District Judge for the Northern District of Indiana, Robert H. Bork, to be U.S. Circuit Judge for the District of Columbia, and Alan C. Nelson, of California, to be Commissioner of Immigration and Naturalization, 2 p.m., 2228 Dirksen Building.

Committee on Labor and Human Resources, Subcommittee on Investigations and General Oversight, to hold hearings on problems of drug abuse in the American school system, 10 a.m., 4232 Dirksen Building.

House

Committee on Appropriations, Subcommittee on Labor, HHS, and Education, hearing on reprogramming of Pell Grants, 10 a.m., 2358 Rayburn.

Committee on Armed Services, executive, to receive a classified worldwide intelligence briefing, 10 a.m., 2118 Rayburn.

Committee on Banking, Finance and Urban Affairs, Subcommittee on Economic Stabilization, hearing on productivity, 10 a.m., 2128 Rayburn.

Committee on Education and Labor, Subcommittee on Employment Opportunities, hearing on H.R. 1454, to prohibit discrimination on the basis of affectional or sexual orientation, 9:30 a.m., 2175 Rayburn.

Subcommittee on Postsecondary Education, oversight hearings on the current status and administration of Federal student assistance programs, 2 p.m., 2257 Rayburn.

Committee on Government Operations, Subcommittee on Manpower and Housing, to continue hearings to explore job help for RIF'd Federal workers and the impact of RIFs on women and minorities, 10 a.m., 2203 Rayburn.

Committee on Interior and Insular Affairs, Subcommittee on Oversight and Investigations and the Subcommittee on Mines and Mining, to continue joint hearings on the Royalty Accounting System within the U.S. Geological Survey, 3 p.m., 1324 Longworth.

Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, to continue oversight hearings on Intelligence Policy and the rights of Americans (Executive Order on Intelligence), 9:30 a.m., 2237 Rayburn.

Committee on Merchant Marine and Fisheries, to consider the Committee budget for 1982 and other pending business, 10 a.m., 1334 Longworth.

Committee on Science and Technology, to continue hearings on H.R. 4326, Small Business Innovation Development Act of 1981, 9:30 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, hearing and markup of H.R. 4326, Small Business Innovation Development Act of 1981, 9 a.m., 334 Cannon.

Committee on Ways and Means, to consider the Committee budget for 1982, 2 p.m., H-208 Capitol.

Joint Meetings

Joint Economic Committee, to continue hearings in preparation of its forthcoming annual report, 10 a.m., 318 Russell Building.

Conferees, on S. 1503, authorizing the President to allocate supplies of crude oil and petroleum products during a severe petroleum supply shortage, 3 p.m., 2123 Rayburn Building.

Next Meeting of the SENATE

10 a.m., Thursday, January 28

Senate Chamber

Program for Thursday: After the transaction of any routine morning business, and at the hour of 10:40 a.m., the Senate will proceed in a body to the Chamber of the House of Representatives for the purpose of attending a joint session in commemoration of the 100th anniversary of the birth of President Franklin Delano Roosevelt.

Next Meeting of the HOUSE OF REPRESENTATIVES

3 p.m., Wednesday, January 27

House Chamber

Program for Wednesday: Consideration of H.J. Res. 382, to permit the ICA film on Poland to be shown in the United States.

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